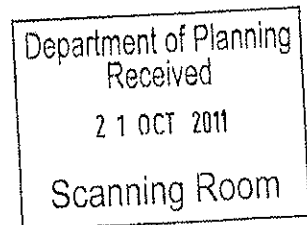


Our Ref: 186991.2011
Contact: Murray Wilson 9821 9569

20 October 2011



Mr Peter Goth
Regional Director – Sydney West
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Dear Mr Goth

**Re: Legal Drafting of Liverpool Local Environmental Plan 2008
Draft Amendment No 18 – Munday Street Warwick Farm**

Pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is forwarding a finalised planning proposal and requests the legal drafting of Liverpool Local Environmental Plan 2008 (Amendment No.18).

In accordance with the Gateway Determination issued on 4 March 2011, the Planning Proposal was sent to the relevant State authorities for comment on 23 March 2011. The Proposal was also publicly exhibited from 13 July 2011 to 10 August 2011.

At its meeting held on 17 October 2011, Council resolved to forward a copy of the Planning Proposal which seeks to amend Liverpool LEP 2008 to the Department of Planning and Infrastructure for finalisation to rezone land at Munday Street Warwick Farm from RE2 Private Recreation and R2 Low Density Residential to B5 Business Development.

In this regard, a copy of the Planning Proposal, the aforementioned Council report, resolution, amending maps, and map cover sheet are enclosed for Parliamentary Counsel's opinion.

Should you require any further information on this matter, please contact Murray Wilson Senior Strategic Planner on 9821 9569.

Yours sincerely



Milan Marecic
Director City Planning

Encl.

***Planning Proposal
Liverpool Local Environmental Plan 2008
Draft Amendment No.18 – Munday Street
Warwick Farm***

October, 2011

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The owner of the Munday Street site, the Australian Turf Club (ATC), formally known as the Australian Jockey Club (AJC), is seeking an amendment to the Liverpool Local Environmental Plan 2008 to facilitate development on land at Munday Street, Warwick Farm. The proposal seeks to rezone Lot 1 DP 1162276 from RE2 Private Recreation and R2 Low Density Residential to B5 Business Development (refer to Figure 1 for land identification map).

Since the Council meeting of 20 December 2010, Lot 1 DP 1040353 has been subdivided and is now known and referred here after as Lot 1 DP 1162276.

June 2011

Part 1 - Objectives

The Planning Proposal aims to rezone Lot 1 DP 1162276 from RE2 Private Recreation and R2 Low Density Residential to B5 Business Development which will in turn allow (with consent) the redevelopment of the site into a home improvement centre.

In order to facilitate the future development of the site, the demolition of eight dwellings known as Munday Street Conservation area is removed. Further the rezoning will trigger road upgrade works at the intersection of Munday Street and Governor Macquarie Drive.

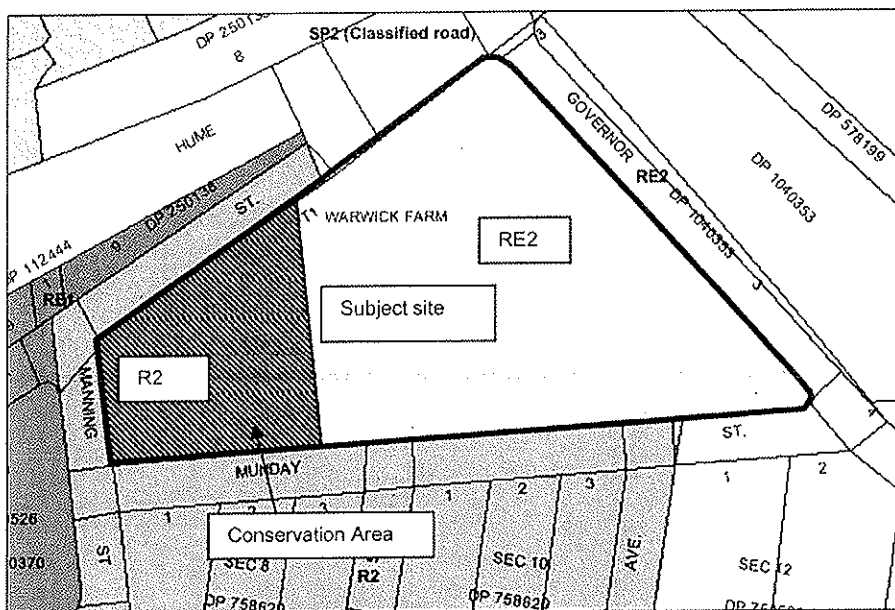


Figure 2 – Existing Zoning

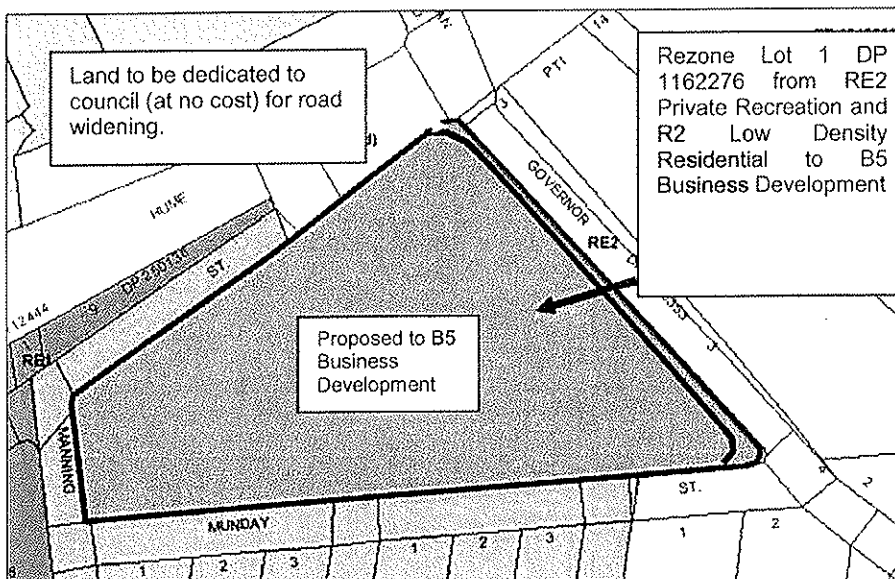


Figure 3 – Proposed Zoning

Part 2 - Explanation of Provisions

The draft LEP seeks to rezone Lot 1 DP 1162276 from RE2 Private Recreation and R2 Low Density Residential to B5 Business Development.

A small slither of land that will be dedicated to council (at no cost) for road widening purposes and will retain the existing RE2 Private Recreation zoning.

The Planning Proposal also seeks to remove the Warwick Farm Heritage Conservation Area from Division 1 of Part 2 within Schedule 5 of LLEP 2008 as the proposal redevelopment of the site incorporates the eight dwellings which constitutes the conservation area.

To facilitate the rezoning and the future proposed development The following LEP maps are to be amended:

- Land Zoning Map (LZN-014) – Zoning to be changed from RE2 Private Recreation and R2 Low Density Residential to B5 Business Development.

To ensure that the appropriate controls apply to the land proposed to be rezoned to B5 Business Development, it is required to amend the lot size map, floor space ratio map and height of building map.

- Lot Size Map (LSZ-014) – The site currently has two minimum lot size requirements; being 600sqm (Category M) and 10000sq m (Category Y). The minimum lot size for the entire site should be increased to 20000sq m (Category Z). The increase in lot size would prohibit fragmentation of the land and facilitate the development of the concept submitted by the applicant for a home improvement centre.
- Floor space ratio map (FSR-014) – Maximum Floor Space Ratio (FSR) to be amended from 0.5:1 (Category D) to 0.75:1 (Category I). Amending the floor space ratio map will make this site consistent with the FSR applied to existing B5 zones.
- Heights of building map (HOB-014) – Height of buildings should be amended from 8.5m (Category I) to 15m (Category O). A 15 metre height limit in this area is considered to be sufficient to facilitate the proposed home improvement centre and considered appropriate in the context to this site.
- Heritage map (HER-014) – Heritage Map should be amended to be consistent with the Council resolution to remove the Warwick Farm Heritage Conservation Area from Division 1 of Part 2 within Schedule 5 of LLEP 2008

Part 3 - Justification

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not a result of any strategic study or report. The proposal is in response to identified development opportunities on this site and forms part of an overall upgrade of the Warwick Farm Racecourse precinct.

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

The only way to facilitate a rezoning of land from RE2 Private Recreation and R2 Low Density Residential to B5 Business Development is via an amendment to Liverpool Local Environmental Plan 2008.

3. *Will the net community benefit outweigh the cost of implementing and administering the planning proposal?*

The NSW Planning guideline *A Guide to Planning Proposals* (July 2009) recommends the conducting of a Net Community Benefit Test to help assess the merits of a planning proposal. The Test is adapted from the Draft Centres Policy.

The guideline recognises that due to the difficulty in assigning values to certain costs and benefits associated with planning proposals, the Net Community Benefit Test will not be a purely quantitative test. Nevertheless, carried out diligently and in a manner proportionate to the likely impact of the planning proposal, the guideline considers it an extremely useful tool to inform debate and help decision making on planning proposals.

The test outlines that the assessment should only evaluate the external costs and benefits of the proposal (i.e. the externalities). The assessment should generally assume that any private costs will be cancelled out by any private benefits. It is considered important however to recognise that as part of the community benefit test applied that the landowner and proponent, the ATC, is a non-for-profit organisation and the ATC board has directed that any financial gains realised at the Munday Street site are to be reinvested in the Warwick Farm Racecourse facilities, which could provide significant public benefit (see Attachment 1).

A net community benefit test as adapted from the Draft Centres Policy is attached to this planning proposal (Attachment 1). In summary, it is considered that the benefits from this planning proposal would be:

- To consolidate and strengthen Liverpool as the regional city and providing for support retailing on a main arterial roads leading to the Liverpool City Centre;
- Building on the existing home improvement hub at Sappho Road Warwick Farm;
- Provision of Local employment generation in the construction, running and servicing of the new business;
- Utilises passing trade and location on the arterial road network; and
- Provides for funding of improvements to the Warwick Farm Race Course, a major event facility in Western Sydney and an item of great local heritage significance.

B. Relationship to strategic planning framework

4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Regional and sub-regional strategies have been prepared for many parts of NSW and include outcomes and specific actions for a range of different matters relevant to that region or sub-region. The adopted and draft strategies applicable to this proposal are:

- *City of Cities –Metropolitan Plan for Sydney 2036*
- *Draft South West Subregional Strategy.*

As detailed in the Net Community Benefit Test (Attachment 1) and in discussing relevant s117 Directions (Attachment 2) it is considered that the requested planning proposal is consistent with the above strategies for the following reasons:

- The proposal is consistent with the key elements of the current Metropolitan Plan of (i) creating stronger cities within the metropolitan area, including the Regional City of Liverpool and (ii) contributes toward the target of over 550,000 new jobs for Sydney, half of which to be in Western Sydney to 2031.
- The *Draft South West Subregional Strategy* identifies Liverpool as the sub-region's Regional City and also makes a note to target it for specific considerations. The proximity of the proposed site to the city centre combined with the potential investment offered by the LEP amendment would be consistent with the objective of consolidating and strengthening Liverpool as the sub-region's Regional City (refer to Figure 9: Existing Employment Areas in the South West Subregion).
- Warwick Farm is located within a Regional City with many different commercial, mixed use or industrial zones located in close proximity. This will give those industries another source of supplies and equipment to sustain their own jobs.
- The proposed site is consistent with the strategy to "increase investment and jobs to accommodate growth and support a young, job ready sub regional population over the next 20 years".

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Liverpool Business Centres and Corridor Strategy

The Liverpool Business Centres and Corridor Strategy (Liverpool City Council, 2008) looks at guiding the identification of Business Centres and Corridor zones and controlling their future. The strategy is in response to the findings of a prior report prepared for the Council by Leyshon Consulting in 2006 titled *Liverpool City Retail Centres Hierarchy Report*. Key points of the above documents considered to be of relevance to this proposal are:

- Demand for general retail floor space, supermarket floor space and bulky goods floor space will likely increase in tandem with population growth;
- Approximately 64,665sqm of additional floor space for bulky goods retailing would be required to service growth for the established areas of Liverpool LGA. Of this amount, certain needs would be met by traditional retail stores or existing discount department stores and is estimated to capture up to 25% of the projected demand. Thus the likely net demand for new bulky goods floorspace to service growth for the established areas of Liverpool LGA will be 48,500sqm.

- An additional 10-12 hectares of land would be required to be rezoned in established areas of Liverpool City to provide for the demand for additional bulky goods development anticipated by 2031.
- Latent capacity at Orange Grove and the potential to zone additional lands at The Cross Roads site at Casula for bulky goods retailing was drawn to attention. However it is noted that the balance of land at Orange Grove not used for bulky goods retailing (about 30ha) is currently being used for legitimate industrial purposes and the wholesale conversion of such land to bulky goods uses is unlikely in the foreseeable future. In relation to the Cross Roads site a rezoning has not yet proceeded and remains zoned *IN3 Heavy Industry*.
- There was no prima facie reason why new areas for bulky goods retailing needed to be created in Liverpool apart from those referred to above within the foreseeable future.

Having regard to the above, the AJC commissioned Leyshon Consulting to provide comment on the proposed development in respect to the findings of the Strategy and Hierarchy Review (*Economic assessment – Proposed rezoning of Land at Warwick Farm, July 2010*). In summary the assessment provided the following:

- In regard to the projection of demand for additional bulky goods floorspace in Liverpool between 2006-2031, there are four important qualifications that need to be placed on the estimates of floorspace demand contained in the 2006 Review.
 1. The 2006 estimates generally did not allow for demand created by new market entrants (like the proposed development) in the hardware field. New entrants can increase the demand for floorspace unrelated to growth in resident spending.
 2. The estimates are based on spending by residents and do not factor in demand from business-to-business-type transactions.
 3. All major hardware and timber supply stores generate a substantial component of their turnover from non-resident spending; that is "trade sales" and the like. Based on the experience of Leyshon Consulting in analysing the hardware sector they believe that trade sales can comprise up to 30% of sales in a typical major hardware store. This would undoubtedly inflate the estimated 48,500sqm identified in the 2006 Review.
 4. The 2006 Review only took into account residents living within Liverpool LGA. That is, it did not take into account demand which might be generated from residents living outside of the boundaries of Liverpool LGA. This is particularly relevant to the proposed development at Warwick Farm because the subject site is located within close proximity of both Fairfield and Bankstown LGAs.

In consideration of the Leyshon Consulting report and Councils assessment, the proposal is supported by council on the following basis:

- The site is a suitable location for such a store as it takes advantage of commuter traffic;
- The site is located close to similar bulky goods type land uses on the opposite side of the Hume Highway and this accords with Liverpool Business Centres Strategy of consolidating existing bulky goods nodes;
- An increase in supply of land zoned for a form of bulky goods retailing is justified given it is likely that about 50% of demand would originate from

outside the Liverpool LGA and up to 30% of sales would come from trade sources – demand sources not accounted for in the 2006 Review;

- It would be unlikely to result in an unacceptable impact on traditional centres in Liverpool or existing specialist centres at Orange Grove, Warwick Farm, Cross Roads or that emerging at Hoxton Park Road due to the significant forecasted demand for bulky goods retailing.

Liverpool Community Strategy

The *Liverpool Community Strategy 2009* (Liverpool City Council, 2009) identifies the social and community priorities for Liverpool as adopted by the Council and proposes strategies "that work towards and sustain a positive level of wellbeing within the community". The Strategy focuses on six (6) key outcome areas: a socially inclusive community; a family friendly community; a learning and working community; a safe and healthy community; a diverse and culturally rich community; and an accessible community. The Strategy outlines the recommended City strategies and social indicators for each outcome area. The proposal would be either directly or indirectly consistent with the following relevant key outcomes and city strategies:

Table 1 – Liverpool Community Strategy Assessment

Key Outcomes	City Strategies	Comment
A learning and working community	Support economic development and access to local employment opportunities	Development ensuing from the proposed amendment clearly supports economic development and local employment opportunities. Consistent.
An accessible community	Support development of Liverpool City centre into a regional City with accessible services, employment and leisure opportunities	Financial gains as a result of the establishing of the major hardware store facility would be re-invested in the facilities at WFR resulting in improved facilities for Liverpool. Indirectly consistent.

The Community Strategy outlines that it has been guided by *Liverpool Directions 2006 – 2016*. This document represents the community's view on the future for Liverpool City and includes six (6) key directions for the City: the Regional City for South West Sydney; Neighbourhoods and Villages; The Land Between Two Rivers Where City and Country Meet; A Place for People; Community and Governments Working Together; and Sustainability. A key direction of *Liverpool Directions 2006 – 2016* is to reinforce Liverpool as the Regional City of South West Sydney. It is considered that the proposal would be consistent with that relevant key direction.

6. Is the planning proposal consistent with the applicable state environmental planning policies?

A review of State Environmental Planning Policies ('SEPPs') deemed SEPPs and draft SEPPs has been undertaken. Whilst a number of policies may be applicable at the development application stage those applicable to this planning proposal are:

- State Environmental Planning Policy no. 55 – Remediation of Land ("SEPP 55"); and

- Regional Environmental Plan No. 2 – Georges River ("the Georges River REP").

These are discussed below. In addition, consideration has been given to the recently exhibited draft State Environmental Planning Policy (Competition) 2010 ("the draft Competition SEPP").

SEPP 55

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides:

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

- (2) *Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) *If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*

- (4) *The following classes of land are identified for the purposes of this clause:*

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Research into the previous use of the land has been undertaken as part of the Heritage Assessment for the property. The Heritage Assessment indicates that the Munday Street Site remained vacant and undeveloped until after the Second World War. In 1949 the eight (8) existing houses on the subject land were erected and used for accommodation of staff/trainers associated with Warwick Farm racecourse. Some of the premises continue to be used for accommodation purposes. The site has been used as an overflow car park for the racecourse. Based on this previous land use history it is not considered that the requested B5 Business Development zoning for the land would be restricted from a contamination perspective.

Further contamination assessment may be requested at the development application stage.

Georges River REP

Clause 7 of the Georges River REP provides that the General and Specific Planning Principles are to be taken into account when a Council prepares a Local Environmental Plan. In general terms these principles relevantly relate to:

- Impact on adjacent or downstream local government areas;
- The cumulative impact on the Georges River or its tributaries;
- Whether there are any feasible alternatives to the development or other proposal concerned;
- Acid Sulphate soils;
- Bank disturbance;
- Flooding;
- Land degradation;
- Urban/Stormwater runoff; and
- Vegetated buffer areas.

The LLEP 2008 and the supporting LDGP 2008 have incorporated provisions consistent with the above principles. The requested planning proposal does not seek to amend the already adopted provisions of LLEP 2008 pertaining to these principles. Accordingly the above principles of the Georges River REP would appropriately be applied and tested against any future specific development proposal on the Munday Street Site as a result of the requested planning proposal. Accordingly the requested planning proposal would not cause an inconsistency with the Georges River REP.

Draft Competition SEPP

The draft Competition SEPP has the aims of promoting economic growth and competition, and removing anti-competitive barriers in environmental planning and assessment. Relevantly the draft Competition SEPP provides:

- A restriction in an environmental planning instrument on the number of a particular type of retail premises in any commercial development, or in any particular area, does not have effect (clause 10);
- A restriction in an environmental planning instrument on the proximity of a particular type of retail premises to other retail premises of that type does not have effect (clause 11).

The requested amendments to LLEP 2008 would not be inconsistent with the above aims or the relevant provisions of clauses 10 & 11.

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

Attachment 2 to this submission sets out the relevant s117 directions to the proposal, comments in respect to each of the directions and an assessment as to whether the proposal would be consistent with that direction. The proposal is considered to be consistent with the relevant s117 directions.

C. Environmental, social and economic impact

8. 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?

Ecological investigations have already been undertaken for larger and vacant eastern portion of the Munday Street Site by Whelan INSITES/Gunninah Environmental Consultants (Project No. D304EV December 2007). The investigation found that this area consists of maintained artificial grassland and scattered trees. Whilst those trees are characteristic of this area of the CPW vegetation type (Forest Red Gum & Grey Box) there is no natural established vegetation community present. The investigation concludes that there are no endangered ecological communities or ecological constraints to development of this portion of the site. The remainder of the Munday Street site comprises the western portion upon which the eight cottages are located. There would be no endangered ecological communities present on this portion of the site or any ecological constraints to its development.

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

It is considered that the more significant potential environmental effects arising from a future development allowed by the requested planning proposal would be in the areas of economic impact, heritage, flooding and traffic & access. Economic related impacts have largely been discussed in considering the Liverpool Business Centres and Corridor Strategy. The remaining areas are discussed below.

Heritage

As part of overall planning proposal of the Warwick Farm Racecourse, the Australian Jockey Club (AJC) commissioned Graham Brooks & Associates to prepare a Conservation Management Plan (CMP) and associated documentation including a Statement of Heritage Impact for the Racecourse site.

The Warwick Farm Race Course is considered to be the premier heritage item in this locality, the site has been used for equine and racing related uses since 1889. Warwick Farm Racecourse demonstrates the development of a leisure / recreational activity and facility for over a 100 year period in the Liverpool area.

Part of the Conservation Management Plan assesses the heritage significance of the Munday Street site (referred to as Property No. 5 within the CMP) which is the land subject of this report. As stated previously, the Munday Street site supports eight individual cottages designed by Robertson's and Mark, constructed circa 1949 and which are typical of post war residential cottages. The cottages were constructed specifically to provide on site accommodation for staff employed at the racecourse at the time.

While the cottages are not individually listed as items of local heritage significance under the Liverpool LEP 2008, the group of houses were gazetted as the Warwick Farm Conservation Area in Division 1 of Part 2 of the Liverpool LEP 2008. The listing affords statutory protection of the area.

In order to improve the financial viability of the Warwick Farm Racecourse as a whole, the ATC are seeking to sell the Munday Street site and reinvest the capital

into upgrading facilities at the Warwick Farm Racecourse. The Statement of Heritage Impact prepared by Graham Brooks & Associates supports the view that the Heritage Conservation Area should be removed as part of the rezoning, and that any approval of the rezoning and removal of the Heritage Conservation Area would inevitably result in the future demolition of the cottages.

Analysis of cultural significance

As established by the NSW Heritage Branch seven criteria for heritage assessment are used to determine the heritage significance of the cottages. The criteria are drawn from provisions under the Heritage Act 1977. Each criterion is discussed below.

Criterion (a)

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)

The Conservation Management Plan submitted with the rezoning advises that the group of eight (8) cottages erected c1949 is associated with the post Second World War refurbishment and upgrading of the nearby Warwick Farm Racecourse, following its return from military use. The houses were erected by the AJC to provide staff housing and are therefore illustrative of the peripheral activity associated with the major post war revival of the nearby racecourse and to some extent of the horse racing industry of the time.

The Conservation Management Plan concludes that the houses have lost their functional connection with the equine significance of the racecourse, and therefore fail to meet this criterion.

While this view can be supported, the cottages do contribute to a pattern of cultural or natural history of the local area. The cottages were originally built to support the racecourse in the provision of accommodation for staff and therefore have an association with the history of the Warwick Farm Racecourse. However it is supported that the cottages have lost a functional relationship with the Warwick Farm Racecourse over time simply as they are now rented privately.

Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)

The cottages are unlikely to have had a strong association with the life or works of a person or group of persons as they provided accommodation for unknown staff. However in support of the Conservation Management Plan the cottages would have held association with the members of the Warwick Farm Race Club syndicate other earlier identities and the AJC. However the houses have lost their functional connection with the equine significance of the racecourse in the mid 1980s when they were privately rented so that a strong or special nexus and significance with the racecourse has been weakened.

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)

In support of guidelines for exclusion from the Heritage Conservation Area, the cottages are not items of major works by an important designer or artist. Although

there is some consistency in the design of architecture and materials they demonstrate only an arbitrary association with any creative or technical achievement.

Criterion (d)

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

The cottages do have a special association with a particular community being the horse racing industry of the time and in this sense would have been important for a community's sense of place. However that association has been weakened as the cottages have lost their functional relationship with the local community as a horse racing cultural group.

Criterion (e)

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)

The cottage's historical association with the racing industry has been relatively narrow as they only partially contribute to an understanding of NSW's cultural or natural history. However in a local sense the cottages would provide an insight into the history of the AJC's evolving promotion of the racing industry at Warwick Farm. It is not supported that the cottages are an important reference or benchmark that would provide evidence of past human cultures that would be unavailable elsewhere.

Criterion (f)

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

In support of the submitted Conservation Management Plan, the cottages show no special attributed in relation to this criterion.

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

The cottages are not considered fine examples of their type as indicated in guidelines for inclusion and do not have characteristics of an important class or group of items. The cottages do not have attributes of a particular way of life or custom, a significant process, design, technique or activity.

While the group of cottages have historical significance as examples of post World War 2 architecture and formed part of the original Warwick Farm racing complex, it is accepted that the cottages have only held a peripheral association with the major post war revival of the Racecourse (following the Racecourses return from wartime military use). The cottages have aesthetic characteristics in their consistency of architectural design, siting and materials. However it is agreed they do not hold a particularly high degree of creative or technical achievement for the local area. While the AJC has always held a significant historical association in the history of Liverpool, the cottages private rental status has further weakened any strong or special association with the AJC and the racing industry as a whole.

For the above reasons it is recommended that the Heritage Conservation Area from the Munday Street site be removed from the Liverpool Local Environmental Plan 2008.

However to help clarify the items of significance on the Warwick Farm Racecourse site (Item 66 within Schedule 5 Part 1 Division 1 of the Liverpool Local Environmental Plan 2008), the table will now include items of high and moderate significance as decided by Council and in accordance with the Conservation Management Plan prepared by Graham Brooks and Associates.

Flooding and Drainage

In respect to flooding, Bewsher Consulting Pty Limited has undertaken investigations on the impact of flood behaviour of development proposals for AJC property holdings at Warwick Farm, the most recent of which being *Warwick Farm Racecourse Flood Assessment – Updated Report* (July 2009). The Assessment includes part of the subject site, being the area not containing the eight cottages. It is referred to as Area G in the Bewsher Assessment and has an area of 2.3ha.

The above report indicates that Area G would be inundated by the 1% AEP Flood by a depth ranging from between 0.1m to 1.0m. A review of the existing flood behaviour mapping contained in their report would indicate that a similar level of inundation could be anticipated for the remainder of the Munday Street site. It is therefore anticipated that much of the Munday Street site will need to be filled to the 1% AEP flood level in order for it to be developed as envisaged. This filling will also need to be offset to ensure local flooding is not exacerbated.

The issues of flood storage volume, the need to raise Governor Macquarie Drive, evacuation in the PMF and compliance with flood policies and plans have also been considered by the Bewsher Consulting Assessment. A summary of the findings are:

- Recent development works associated with Warwick Farm Racecourse (i.e. new equine tunnel, new synthetic race track, permanent & temporary stables, stockpile site) have resulted in a reduction of flood levels on the northern side of Governor Macquarie Drive by up to 250mm in the 1% AEP Flood. This recent development is calculated to provide a 7,800m³ improvement in flood storage capacity.
- Modelling which takes account of existing development, proposed stalls and the required filling of sections of the Coopers Paddock Site and Area G to the 1% AEP flood level indicated a reduction of approximately 50mm in the 1% AEP flood level near the intersection of Governor Macquarie Drive & Hume Highway, with smaller reductions on the northern side of the Hume Highway and essentially no change in flood levels (+/- 20mm) in all other areas.
- The required filling of sections of the Coopers Paddock Site to the 1% AEP flood level would cause a loss in flood storage capacity of 5,700m³.
- The required filling of Area G to the 1% AEP flood level would cause a loss in flood storage capacity of 13,500m³.
- When taking into account the loss in flood storage capacity by the part filling of Coopers Paddock and Area G (total loss of 19,200m³), offset by the improvement in flood storage capacity from the recent development works, compensatory excavation within the floodplain of 11,400m³ would be required to achieve no loss of flood storage capacity. This volume could be readily provided for on vacant AJC land on the southern side of Governor Macquarie Drive.
- Governor Macquarie Drive currently is inundated in events slightly greater than the 5% AEP flood level with Governor Macquarie Drive possibly being inundated up to 900mm over part of its length in the 1% AEP flood. Raising Governor Macquarie Drive to improve traffic ability would increase 1% AEP

flood levels over the full floodplain area upstream of Governor Macquarie Drive by 25 to 30mm with larger local increases in the Coopers Paddock Site. There would also be significant flood level reductions downstream of Governor Macquarie Drive. Compensatory measures would be needed in the road design to lower upstream flood levels, which would be expensive and not essential in providing reliable flood access for Coopers Paddock and the Munday Street site.

- Suitable evacuation routes currently exist for the Munday Street Site, south along the Hume Highway. The evacuation route would have inundation depths less than 200mm in a 1% AEP flood.
- Future development as proposed could comply with the provisions of Council's flood policies and be consistent with relevant s117(2) Direction No. 4.3.

Whilst the Bewsher Assessment does not detail consideration of the Munday Street Site in total (i.e. Area G plus the area containing the eight cottages), it is considered that the likely flooding implications for the Munday Street Site in total would be the need to provide additional compensatory excavation from within the AJC landholdings in the nearby floodplain to ensure no loss of flood storage capacity. Based on Area G (2.3ha) causing a 13,500m³ loss of flood storage capacity and that the remaining section of the Munday Street Site has a similar flood affectation to Area G, a pro-rata calculation of the loss of flood storage capacity caused by the whole of the Munday Street Site (area 2.92ha) being filled to the 1% AEP flood level would be in the order of 17,150m³. This would alter the required compensatory excavation for both Munday Street and Coopers Paddock (after taking account the 7,800m³ of capacity improvement arising from the recent development works) to approximately 15,050m³. Notwithstanding, this revised volume could be readily provided for on vacant AJC land on the northern side of Governor Macquarie Drive.

The proposed rezoned area can be made flood free through appropriate flood mitigation measures such as filling and compensatory storage without adversely affecting flood behaviour in the area. These works would need to be proposed and addressed as part of a future DA on these sites.

Traffic Generation

A detailed report relating to the traffic and transport implications of this proposal and other rezoning proposals requested by the ATC at Warwick farm (Liverpool Local Environmental Plan 2008 - Amendment No. 14) was prepared by Stapleton Transportation and Planning Pty Ltd (STAP). A summary of the key finding and conclusions as they relate to the Munday Street site are as follows:

- The local traffic network is currently operating at a poor level of service;
- Key intersections in the local area already or will soon operate beyond capacity and therefore require upgrading;
- Access intersection works to the existing local road network are required for the Munday Street proposal. Specifically for Governor Macquarie Drive and Munday Street, STAP has examined the access intersections for other similar sites and future traffic volumes and determined that a priority intersection would be appropriate. STAP notes that a percentage of the arrival traffic from the north may travel via Warwick Street, but that the distribution provided assesses maximum impact (including maximum impact at Hume Highway and Governor Macquarie Drive and Governor Macquarie Drive and Munday Street).

Additional upgrades will be required to accommodate general background traffic growth and the abovementioned ATC proposals including the upgrade of Hume Highway and Governor Macquarie Drive intersection and Governor Macquarie Drive. STAP has recommended that the ATC contribute in part towards those works.

Therefore as part of this Planning Proposal, the ATC has offered to enter into a Voluntary Planning Agreement where the developer will be required to fund appropriate road upgrades as well as the dedication of land for road widening purposes on Governor Macquarie Drive (see Figure 3).

10. How has the planning proposal adequately addressed any social and economic effects?

The requested planning proposal would enable a higher and better use of the Munday Street Site in a manner considered to be compatible with land uses on the opposite side of the Hume Highway

The rezoning would create opportunity for significant investment in the Liverpool region through building construction, supporting infrastructure works and employment growth. Indirect impacts would be spin-off or multiplier economic benefits to the City as a result of the use of the land. The financial gains by the AJC from the project are to be directed back into the reinvigoration of WFR as a major events facility.

D. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Warwick Farm Racecourse is in close proximity to Warwick Farm Railway Station and bus services along the Hume Highway and Governor Macquarie Drive. The site is strategically well located to take advantage of future public transport initiatives and to be integrated into the regional transport network.

Future development as envisaged by this proposal would necessitate intersection and road works to Munday Street, Governor Macquarie Drive and the Hume Highway. Quantification of the traffic generated and road improvements required would be concurrent with detailed design work undertaken as part of any future development application for the proposal.

Amplification of existing services (water, sewer, electricity) can be undertaken to service future development.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The Gateway Determination stipulated that Council consultation with the following State Authorities;

- Catchment Management Authority – Sydney Metro
- Department of Environment, Climate Change and Water
- Integral
- Roads and Traffic Authority
- Sydney Water

Council received correspondence from the Office of Environment and Heritage (OEH) stating that no objection is made to the proposed rezoning and VPA.

The RTA also provided a response detailing certain requirements including the need to provide detailed traffic modelling to ensure that the proposed road upgrades and intersection works for this and the proposed rezoning of other parts of the Warwick Farm Racecourse precinct (LLEP 2008 Amendment No. 18) were appropriate.

The RTA have confirmed that no objection is made to the proposal in that the posed traffic upgrades provided by the VPA are deemed appropriate, (principally the upgrade and signalling of the Munday Street and Governor Macquarie Drive intersection). It should be noted that further traffic upgrades for the area are also being proposed under the VPA for LLEP 2008 Amendment No. 14, which is due to be publicly exhibited in the coming weeks.

Part 4 - Community Consultation

The draft LEP was on public exhibition from 13 July 2011 to 10 August 2011.

Council received 12 submissions including one submission with six signatures from local residents / land owners objecting to the proposal.

The topics raised in the submissions have been categorised under the following headings:

- Economic Impacts and whether demand exists for a Home Improvement Centre in this location.
- Traffic and associated safety impacts
- Impacts on the natural environment
- Flooding Impacts
- Noise Impacts
- Loss of Character and Heritage
- Property Values
- Community Consultation process
- Voluntary Planning Agreement

Response to submissions

A summary of Councils response relating to each category is provided as follows;

Issue: Economic Impacts and whether demand exists for a Home Improvement Centre in this location.

Response: The economic assessment was submitted by the applicant concluded that the proposed development would not have an little impact on traditional centres in Liverpool or existing specialist centres at Orange Grove, Warwick Farm the Crossroads. The economic impact assessment also stated that about 50% of demand would originate from outside the Liverpool LGA.

In relation to whether there is demand for a Home Improvement Centre in this location, the Economic Impact assessment submitted by the applicant states that there is demand exists for an additional 64,665sqm sqm between the years 2006-2031. The economic impact assessment states the site seems suitably located for a major hardware store. For instance, it is directly opposite the large Peter Warren automotive dealership and is close to an existing bulky good development on the western side of the Hume Highway at Warwick Farm. The site also appears to enjoy

relatively good access although the light controlled intersection at the Corner of the Hume Highway and Governor Macquarie Drive which will likely require some upgrading to cope with extra traffic volumes.

Traffic and associated safety impacts

There were a number of traffic issues raised during the exhibition period these have been addressed below.

Issue: The Local Network is at capacity

Response: The Traffic Impact Assessment (TIA) submitted by the applicant concludes that regardless of the traffic generated by the rezoning, there is a need for significant upgrades to the local network which is currently operating below an acceptable level of service. This is particularly the case at the intersections of Governor Macquarie Drive (GMD) and Hume Hwy and GMD and Munday Street.

The ATC have offered to enter into a VPA with Council that provides for upgrades that accommodate the existing and proposed additional traffic flows, principally in the form of traffic signals and additional lane and turning widths at the GMD/Munday Street intersection.

Issue: The rezoning will increase trips in the precinct

Response: The applicant's traffic assessment additional information states that existing and future trip generation along the Hume Hwy and GMD, Munday St and GMD intersections will be mostly impacted. As stated above the impacts on the above intersections will require intersection upgrades which will be covered by the VPA accompanying both this and LLEP Amendment No. 14. It is unlikely that the proposal will increase the volume of traffic on the southern section of Manning Street and the residential precinct in general, however an increase in traffic volume is expected on Munday Street, GMD and Hume Highway. The impacts of that additional traffic is somewhat offset by the proposed road and intersection improvements which have been endorsed by Councils traffic engineer and the RTA.

Issue: Increased vehicle conflicts at the intersection of Munday and Manning Street

Response: Future traffic movements relating to this intersection would need to be addressed during the assessment of the development application for the subject site which details the exact access points from the future development as well as the likely volume increase at this particular intersection. Matters relating to this intersection are also to be considered as part of the recommended strategic review of the Warwick Farm Training Precinct (Recommendation No. 4 of this report).

Issue: Safety Impacts - Vehicle and horse conflicts

Response: A number of submissions raised existing safety issues as an issue; relating to the conflict between horse movement and vehicle traffic in streets south of the subject site and in particular Manning Street.

At the meeting of 29 August 2011, Council adopted the recommendation from the Liverpool Traffic Committee for road improvements at Manning Street which included:

- A proposed scheme of 50km/hr design speed using 1.6m wide speed cushions and review its effectiveness after a period of 6 months;
- Stake holders advised of the final outcome of this matter prior to any implementation of the traffic management scheme; and

- The angled speed humps to be substituted with additional speed cushions.

Also at the meeting of 29 August 2011, Council identify possible road configurations to serve as alternative access route around the Warwick Farm horse trainer precinct to the Warwick Farm industrial area. The purpose of investigating the alternative access road is to try and alleviate existing traffic conflicts between trainers, horses and vehicle movements. The findings of this investigation will be addressed in the Strategic Review of the Warwick Farm training precinct.

It is recommended to include horse safety as an area of concern as part of the future strategic review of the precinct. The rezoning is not likely to increase volumes into Manning Street however it is recognised that further congestion may eventuate with the development of the land subject to this rezoning.

Issue: Impacts on the natural environment

Response: Whilst the rezoning would not require the removal of trees it is acknowledged that the development potential of the site is increased upon a rezoning to B5 Business Development. The issue of tree removal is subject to assessment of the development application currently before Council.

Issue: Flooding impacts

Response: Portions of the site is considered as flood prone land. Detailed reporting undertaken with the rezoning indicate that the subject land can be made flood free through appropriate flood mitigation measures such as filling and compensatory flood storage which can occur on nearby ATC landholdings. It is anticipated that the filling of the site will have no impact on overland flow paths.

Any filling and subsequent cut for the subject site would be subject to a future development application.

Issue: Noise Impacts

Response: Noise impacts can only be accurately determined with detailed development designs which form part of a development application, rather than a rezoning application/Planning Proposal. As such the assessment of potential noise impacts is a relevant consideration for the Development Application currently being considered by Council.

Issue: Loss of Character and Heritage

Response: The proposal seeks to remove the Munday Street Conservation Area listing from Schedule 5 of the LLEP 2008. This group of eight dwelling were constructed to provide accommodation for staff associated with Warwick Farm Racecourse. The applicant seeks to utilise the land as part of the future development site for a Home Improvement Centre.

The proponent's heritage consultant provided justification for the removal of the conservation area which has been deemed acceptable to the NSW Heritage Office. Council's Heritage Officer did not object to the removal of the conservation area on the proviso that a Photographic Archival Recording is undertaken of the eight cottages.

Development under a future B5 has the potential to change the visual character of the site however the proposal does provide benefits in terms of employment opportunities, traffic upgrades to currently poorly performing intersection, and re-investment into the existing facilities of the Heritage listed Warwick Farm

Racecourse. The site is considered attractive for business uses due to the exposure to commuters of the Hume Highway and Governor Macquarie Drive.

Issue: Property Values

Response: The impact to property values is not a consideration under the planning framework.

Consultation - Input from Community was not taken in consideration early enough in the planning process.

Response: The Department of Planning's Gateway Determination stipulated that the Planning Proposal must be exhibited for a minimum of 28 days. Community consultation was undertaken between 13 July 2011 and 10 August 2011. The timing of the public exhibition period was carried out in accordance with the Environmental Planning and Assessment Act 1979 and '*A Guide to Preparing Planning Proposals*' developed by the Department of Planning and Infrastructure.