

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

***January, 2011***

## Table of Contents

|                                                       |    |
|-------------------------------------------------------|----|
| Background .....                                      | 3  |
| Site Identification .....                             | 3  |
| Part 1 - Objectives .....                             | 4  |
| Part 2 - Explanation of provisions .....              | 5  |
| Part 3 - Justification .....                          | 6  |
| A. Need for the planning proposal .....               | 6  |
| B. Relationship to strategic planning framework ..... | 7  |
| C. Environmental, social and economic impact .....    | 13 |
| D. State and Commonwealth interests .....             | 18 |
| Part 4 - Community Consultation .....                 | 18 |
| Attachment 1 – Net Community Benefit Test .....       | 20 |
| Attachment 2 – Relevant s117 Directions .....         | 28 |
| Attachment 3 – Draft Zoning Map .....                 | 41 |

## Background

The owner of the Munday Street site, 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 part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial while also allowing (with consent) the retailing of camping and outdoor recreation equipment, white goods and home décor items.

The AJC have owned the site since 1923 but the majority of the site has remained vacant since that time. There are eight existing cottages on the site which were built specifically for AJC staff housing in the late 1940s. The houses remained as staff housing until the 1980s.

## Site Identification

The planning proposal applies to the part of Lot 1 DP 1040353 currently zoned RE2 Private Recreation and R2 Low Density.

The objective of the planning proposal is to rezone part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial while also allowing (with consent) the retailing of Camping and Outdoor Recreation Equipment, White goods and Home Décor items.

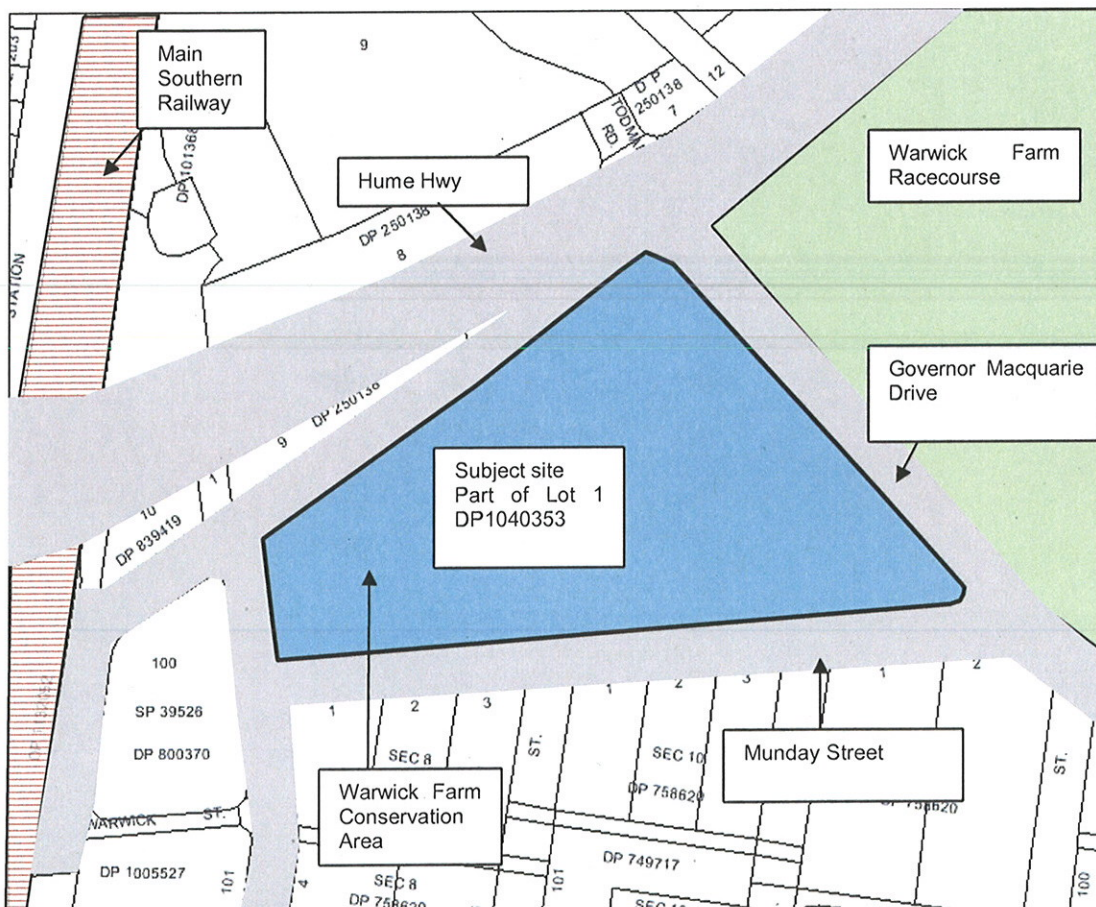


Figure 1: Land to which this amendment applies

## Part 1 - Objectives

The planning proposal aims to:

- rezone part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial while also adding an additional use clause to Schedule 1 of the LLEP to allow (with consent) the retailing of camping and outdoor recreation equipment, white goods and home décor items; and
- Allow (with consent) the redevelopment of the site into a Home Improvement Centre.

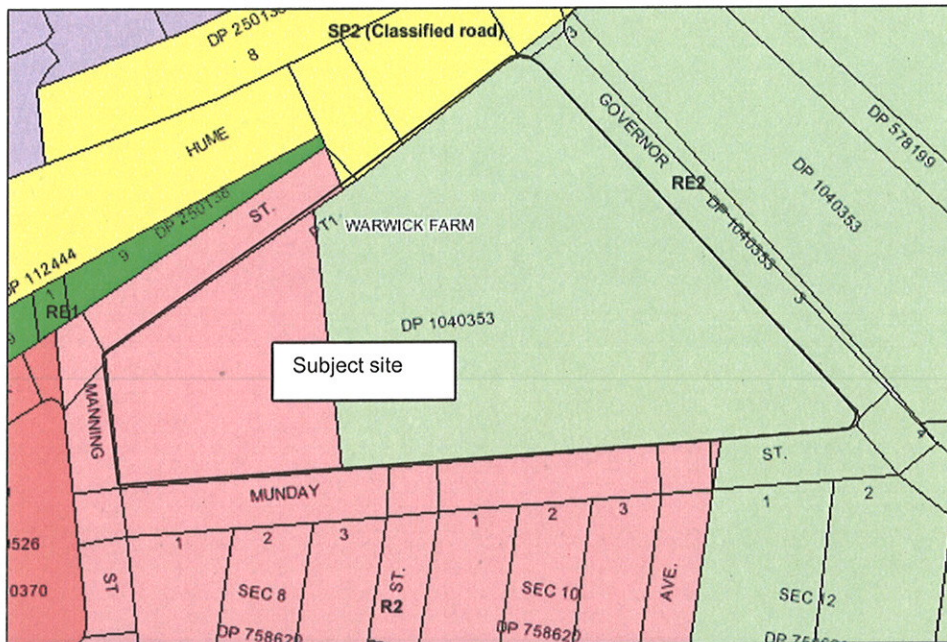


Figure 2 – Existing Zoning

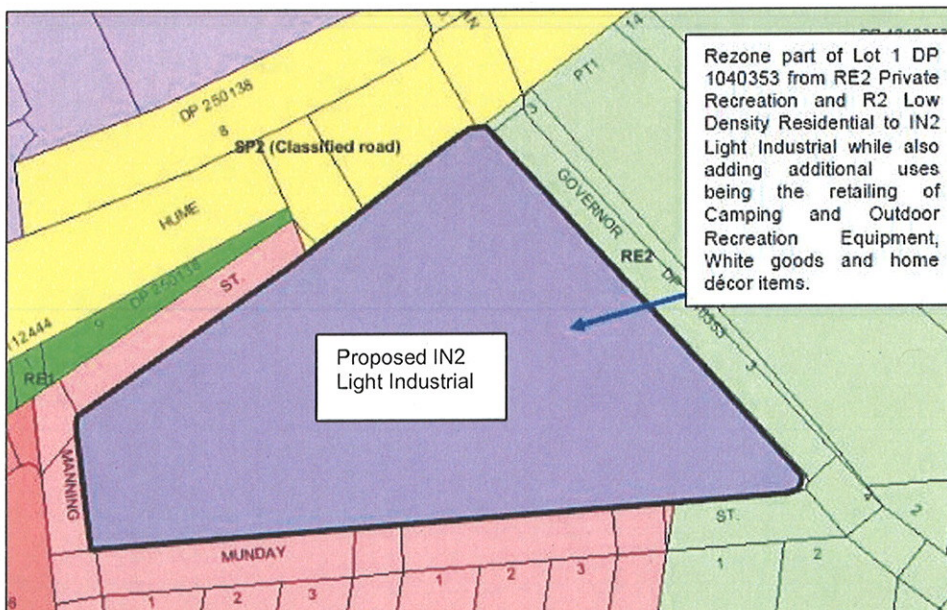


Figure 3 – Proposed Zoning

## Part 2 - Explanation of provisions

The draft LEP seeks to rezone part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial while also adding an additional use clause to Schedule 1 of the LLEP to allow (with consent) the retailing of camping and outdoor recreation equipment, white goods and home décor items. Suggested wording to be added to Schedule 1 is outlined as follows and would be subject to legal drafting by the Department of Planning.

### *Schedule 1 Additional Use Clause*

Use of land at Warwick Farm in Zone IN2 Light Industrial

1. This clause applies to part of Lot 1 DP 1040353 being land north of Munday Street, Warwick Farm.
2. Development for the retailing of camping and outdoor recreation equipment, white goods and home décor items is permitted with consent.
3. Development for the purposes described in sub-clause (2) is only permitted where that development is part of a single entity retail premises which also retails landscape and garden supplies and timber and building supplies.

It is also requested that the Warwick Farm Heritage Conservation Area from Division 1 of Part 2 within Schedule 5 of LLEP 2008 be removed.

This Planning Proposal also seeks to amend the following LLEP 2008 maps:

- Land Zoning Map (LZN-014) – Zoning to be changed from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial.

Comment: To ensure that the appropriate controls apply to the land proposed to be rezoned to IN2 Light Industrial, it is required to amend the lot size map, floor space ratio map, height of building map and the key sites 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).
- Floor space ratio map (FSR-014) – Maximum Floor Space Ratio to be changed from 0.5 (Category D) to 0.75 (Category I). By amending the floor space ratio map this is making this site consistent with other lands within the IN2 Light Industrial zone.
- Heights of building map (HOB-014) – Height of buildings should change from 8.5m (Category I) to 15m (Category O). A fifteen metre height limit in this area is considered to be sufficient for a proposed home improvement centre.
- Key Sites Map - Amend Sheets 6, 7, 8, 10, 11, 12, 13, 14 and 15 Key Sites Map by adding a new colour to the Key Sites on the left column of the map.

This will facilitate reference to additional to be included as part of this amendment for the retailing of camping and outdoor recreation equipment, white goods and home décor items. This would require a clause to be included into the Schedule 1 – Additional Uses that refers to the site to be highlighted within the key sites map.

## **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.

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

The rezoning of land from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial requires an amendment to Liverpool Local Environmental Plan 2008.

The proposed additional uses 'camping and outdoor recreation equipment', 'white goods' and 'home décor items' are not permitted in the IN2 light industrial zone. The only means of amending the LEP in this circumstance is through a planning proposal.

#### ***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 because of 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 guideline 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 AJC, is a non-for-profit organisation and the AJC board has directed that any financial gains realised at the Munday Street site are to be reinvested in the Warwick Farm Racecourse facilities. This would 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;
- Building on the existing home improvement hub at Warwick Farm;
- Local employment generation in the construction, running and servicing of the new business;
- Utilises passing trade and location on 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 – A Plan for Sydney’s Future Metropolitan Strategy (“the Metropolitan Strategy”); and*
- *Draft South West Subregional Strategy.*

The Metropolitan Strategy sets out the long-term growth management plan for Sydney focusing on the strength of its regional cities, including Liverpool. The release of the Metropolitan Transport Plan, with its 10 year funding guarantee, has provided the NSW Government the opportunity for the first five-yearly review of the Metropolitan Strategy, to further strengthen this framework. A discussion paper, *Metropolitan Strategy Review Sydney Towards 2036* (‘the Metropolitan Strategy Discussion Paper’), has been released for comment.

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 Strategy 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 good quality jobs to accommodate growth and support a young, job ready sub regional population over the next 20 years".
- It would be consistent with the need identified by the Metropolitan Strategy Discussion Paper to do more to support employment opportunities in Western Sydney, the need to reconsider approaches to job creation and ways to encourage private sector investment.

**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 conclusion the Leyshon Consulting Assessment found:

- The site is a suitable location for such a store;
- The site is located close to similar bulky goods type land uses on the opposite side of the Hume Highway;
- 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.

#### Liverpool Industrial Lands Strategy

The *Liverpool Industrial Lands Strategy* (Liverpool City Council, 2008) aims to guide the identification, release, rezoning and development of employment lands in the Liverpool Local Government Area (LGA) over the next 25 years. The Strategy incorporates and considers three strategic documents, being the *South-West Employment Lands Strategy* (2003), *MACROC Industrial Lands Report* (2006) and *Employment Lands for Sydney Action Plan* (2007). Based on the findings of the aforementioned studies, the Strategy has adopted the following approach:

- 1 *Preserve and increase industrial employment lands to enable local jobs to match residential growth.*
- 2 *Introduce new light industrial zones to buffer heavy industrial activity from residential and cater for the fringe industrial uses.*
- 3 *Introduce light industrial retail outlets to light and general industrial areas where limited public access is acceptable.*

- 4 Remove detracting or undermining land uses, particularly from the heavy industrial areas.
- 5 Establish a general industrial zone in Moorebank, Warwick Farm and Prestons which attracts a research and development industries by restricting unsightly or unpleasant operations.

The requested planning proposal would not be contrary to the above adopted approach.

#### 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 leisure 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 *IN2 Light Industrial* zoning for the land would be restricted from a contamination perspective.

### 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 LDCP 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 AJC 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.

The Statement of Heritage Impact in its recommendation supporting the rezoning advises that the group of 8 cottages are not worthy of conservation.

### **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 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 a loose 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.

### ***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 7,800m<sup>3</sup> 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 5,700m<sup>3</sup>.
- The required filling of Area G to the 1% AEP flood level would cause a loss in flood storage capacity of 13,500m<sup>3</sup>.
- When taking into account the loss in flood storage capacity by the part filling of Coopers Paddock and Area G (total loss of 19,200m<sup>3</sup>), offset by the improvement in flood storage capacity from the recent development works, compensatory excavation within the floodplain of 11,400m<sup>3</sup> 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 13,500m<sup>3</sup> 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 17,150m<sup>3</sup>. This would alter the required compensatory excavation for both Munday Street and Coopers Paddock (after taking account the 7,800m<sup>3</sup> of capacity improvement arising from the recent development works) to approximately 15,050m<sup>3</sup>. 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**

Governor Macquarie Drive currently has high traffic volumes during peak periods. Proposed road improvements including widening of Governor Macquarie Drive, upgrading the existing signalised intersection of Governor Macquarie Drive and the Hume Highway, upgrading the intersection of Governor Macquarie Drive and Munday Street will be required to facilitate development within the area such as;

- Road pavement widening,
- Lighting,
- Kerb and guttering,
- Median strip,
- Intersection treatments including roundabouts and traffic signals.

These works would be undertaken by the developer and be subject to the Council and RTA approval processes.

As part of the VPA the developer will be required to upgrade Governor Macquarie Drive, the Munday Street intersection and undertake infrastructure works. These works have been agreed in principle by the Roads and Traffic Authority.

***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 its surrounding environment. The proposed IN2 zoning/permitted land use is considered to be compatible with the surrounding land uses.

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. Such investment would also in turn create multiplier economic benefits to the City through construction work as well as the social benefits offered by a reinvigorated regional sporting and recreation facility and improvement.

***D. State and Commonwealth interests***

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

WFR 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 will stipulate the required consultation with State and Commonwealth Public Authorities.

## **Part 4 - Community Consultation**

The Gateway Determination will stipulate the required community consultation. The written notice and display materials will be in accordance with the document "A guide to preparing local environmental plans".

A report on the public authority and community consultation outcomes will be presented to Council for its consideration following the exhibition period.