



Liverpoolcitycouncil
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Our Ref: RZ-3/2011- 209838.2010
Contact: Murray Wilson
9821 9569
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Date: 13 January 2011



Mr Peter Goth
Regional Director, Sydney West
Department of Planning
GPO Box 5020
PARRAMATTA NSW 2124

Department of Planning
Received
17 JAN 2011
Scanning Room

**RE: SUBMISSION OF A PLANNING PROPOSAL
DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO.
18) MUNDAY STREET WARWICK FARM**

Pursuant to Section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council is forwarding a planning proposal for Draft Liverpool Local Environmental Plan 2008 (Amendment No. 18) seeking gateway determination. The purpose of draft Amendment No. 18 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 the retailing of camping and outdoor recreation equipment, white goods and home décor items.

At its meeting on 20 December 2010, it was resolved

That Council:

1. *Proceeds with an amendment to the Liverpool Local Environmental Plan 2008 which:*
 - rezones part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial; and
 - amends Schedule 1 of the Liverpool LEP 2008 to permit the retailing of camping and outdoor recreation equipment, white goods and home décor items on part of Lot 1 DP 1040353.
 - removes the Warwick Farm Conservation Area from Division 1 of Part 2 within Schedule 5 of LLEP 2008.
2. *Forwards the attached Planning Proposal to the Minister for Planning seeking gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.*
3. *Enters into a Voluntary Planning Agreement requiring the developer of each parcel to provide land dedication and works identified within the Heads of Agreement (attached).*

Administration Centre 1 Hoxton Park Road, Liverpool NSW 2170, DX 5030 Liverpool
Customer Service Centre Liverpool City Library, 170 George Street, Liverpool NSW 2170

All correspondence to The General Manager, Locked Bag 7064 Liverpool BC NSW 1871 Call Centre 1300 36 2170
Fax 9821 9333 Email icc@liverpool.nsw.gov.au Web www.liverpool.nsw.gov.au TTY 9821 8800 ABN 84 181 182 471

If you do not understand this letter/application, please ring the telephone Interpreter Service (131 450) and ask them to contact Council (1300 362 170). Office hours are 8.30 am to 5.00 pm, Monday to Friday.

ARABIC

إذا لم تستطيع فهم هذا الطلب ،الرجاء الاتصال بخدمات الترجمة الفورية على رقم 131 450 وطلب منهم ان يتصلوا بالبلدية على رقم 1300 362 170 . فترات ساعات العمل من الساعة 8.30 صباحا إلى 5.00 بعد الظهر من الاثنين إلى الجمعة.

CHINESE

如蒙看不懂此函 / 申請書，請打寶龍街「電話傳譯服務中心」(131 450)，請他們與市議會(市政廳電話 1300 362 170) 聯絡。辦公時間：星期一至星期五，上午八時三十分至下午五時。

CROATIAN

Ako ne razumijete ovo pismo/aplikaciju, molimo nazovite Službu prevodilaca i tumača (Translating and Interpreting Service - na broj 131 450) i zamolite ih da nazovu Općinu (na 1300 362 170). Radno vrijeme je od 8.30 ujutro do 5.00 popodne, od ponedjeljka do petka.

GERMAN

Wenn Sie diesen Brief/Antrag nicht verstehen können, rufen Sie bitte den Telefon Dolmetscher Dienst (Telephone Interpreter Service) (131 450) an und lassen Sie sich vom Personal mit dem Gemeinderat (Council) in Verbindung setzen (1300 362 170). Geschäftsstunden sind von 8.30 bis 17.00 Uhr, montags bis freitags.

GREEK

Αν δεν καταλαβαίνετε αυτή την επιστολή/αίτηση, σας παρακαλούμε να τηλεφωνήσετε στην Τηλεφωνική Υπηρεσία Διερμηνέων (131 450) και να τους ζητήσετε να επικοινωνήσουν με το Δημοτικό Συμβούλιο (1300 362 170). Τα γραφεία του είναι ανοιχτά από τις 8.30π.μ. μέχρι τις 5.00π.μ. από Δευτέρα μέχρι και Παρασκευή.

HINDI

यदि आप इस पत्र/अर्ज़ी को नहीं समझ सकते हैं तो कृपया टेलीफोन इंटरप्रेटर सेवा (131 450) को कॉल करें और उन्हें बता दें (1300 362 170) कि संघ का कार्यालय कब खुलता है। कार्यालय का समय सोमवार से शुक्रवार तक प्रातः 8:30 बजे से सां. 5:00 तक है।

ITALIAN

Se non comprendi questa lettera/questo modulo di domanda, telefona al Servizio traduzioni e interpreti al numero 131 450 chiedendo di essere messo in contatto con il Comune (telefono 1300 362 170). Orario ufficio: ore 8.30 - 17.00, dal lunedì al venerdì.

KHMER

បើលោកអ្នកមិនយល់ពីអត្ថន័យរបស់ប្រតិច្ឆឹកនេះទេ សូម ទូរស័ព្ទទៅសេវាកម្មបកប្រែភាសាខ្មែរស្ទើរ (លេខ 131 450) ហើយស្នើសុំឲ្យគេទាក់ទងសាលាក្រុង (លេខ 1300 362 170)។ មេឌប្រតិបត្តិការគឺរវាង ៨ កន្លះព្រឹកដល់ម៉ោង ៥ ល្ងាច ពីថ្ងៃចន្ទដល់ថ្ងៃសុក្រ

MACEDONIAN

Ako ne go razbirate ova pismo/aplikacija, ve molimo da se javite vo Telefonската преведувачка служба на 131 450 и замолете ги да стапат во контакт со Општината на 1300 362 170. Работното време е од 8.30 часот наутро до 5.00 часот попладне од понеделник до петок.

MALTESE

Jekk ma tifhimx din l-ittra/applikazzjoni, jekk jogħġbok ċempel lis-Servizz ta' l-Interpretu bil-Telefon (131 450) u ificbhom jikkuntattjaw il-Kunsill (1300 362 170). Il-hinijiet ta' l-Uffiċċju huma mi-8.30a.m. sal-5.00p.m., mi-Tnejn sal-Ġimgħa.

POLISH

Jeśli nie rozumiesz treści niniejszego pisma/podania, zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service) pod numer 131 450 i poproś o telefoniczne skontaktowanie się z Radą Miejską pod numerem 1300 362 170. Godziny urzędowania: 08.30-17.00 od poniedziałku do piątku.

SERBIAN

Ako ne razumete ovo pismo/aplikaciju, molimo vas da nazovete Telefonsku prevodilačku službu (131 450) i zamolite ih da kontaktiraju Opštinu (1300 362 170). Radno vreme je od 8.30 ujutro do 5.00 popodne, od ponedeljka do petka.

SPANISH

Si Ud. no entiende esta carta/solicitud, por favor llame al Servicio Telefónico de intérpretes (131 450) y pídale que llamen a la Municipalidad (Council) al 1300 362 170. Las horas de oficina son de 8:30 am a 5:00 pm, de lunes a viernes.

TURKISH

Bu mektubu veya müracaatı anlayamazsanız, lütfen Telefon Tercüme Servisi'ne (131 450) telefon ederek Belediye ile (1300 362 170) ilişkiye geçmelerini isteyiniz. Çalışma saatleri Pazartesi - Cuma günleri arasında sabah saat 8:30 ile akşam 5:00 arasındır.

VIETNAMESE

Nếu không hiểu thư/đơn này, xin Quý Vị gọi cho Telephone Interpreter Service (Dịch Vụ Thông Dịch Qua Điện Thoại), số 131 450, và nhờ họ liên lạc với Council (Hội Đồng), số 1300 362 170. Giờ làm việc là 8 giờ 30 sáng đến 5 giờ 00 chiều, Thứ Hai đến Thứ Sáu.

A copy of the Planning Proposal and Council report and resolution for Draft Liverpool Local Environmental Plan 2008 (Amendment No. 18) are enclosed for your consideration and gateway determination.

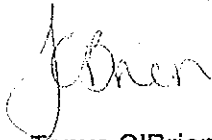
Technical studies

As part of this Planning Proposal the owners have prepared the following technical studies which will be made available to relevant authorities and the public.

- Flooding and Drainage Report
- Retail Hierarchy Report
- Flora and Fauna Reports
- Traffic and Transport
- Bushfire Assessment
- Contamination Report
- Conservation Management Plan

Should you have any questions or require further information, please call Murray Wilson, Senior Strategic Planner on 9821 9569.

Yours sincerely



Tanya O'Brien
Manager Strategic Planning

STRA 04

ITEM NO: STRA 04
FILE NO: RZ-3/2011
SUBJECT: MUNDAY STREET WARWICK FARM DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO 18)

RECOMMENDATION

That Council:

1. Proceeds with an amendment to the Liverpool Local Environmental Plan 2008 which:
 - rezones part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial; and
 - amends Schedule 1 of the Liverpool LEP 2008 to permit the retailing of camping and outdoor recreation equipment, white goods and home décor items on part of Lot 1 DP 1040353.
 - removes the Warwick Farm Conservation Area from Division 1 of Part 2 within Schedule 5 of LLEP 2008.
2. Forwards the attached Planning Proposal to the Minister for Planning seeking gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. Enters into a Voluntary Planning Agreement requiring the developer of each parcel to provide land dedication and works identified within the Heads of Agreement (attached).

COUNCIL DECISION

Motion: **Moved:** Cllr Lucas **Seconded:** Cllr McGoldrick

That the recommendation be adopted.

On being put to the meeting the motion was declared CARRIED.

Cllr Stanley left the room 8.50pm.

Cllr Stanley returned to the room at 8.54pm.

LIVERPOOL CITY COUNCIL

CITY STRATEGY REPORT

ORDINARY MEETING

20/12/2010

ITEM NO:	STRA 04	FILE NO:	RZ-3/2011
SUBJECT:	MUNDAY STREET WARWICK FARM DRAFT LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008 (AMENDMENT NO 18)		
APPLICANT:	AUSTRALIAN JOCKEY CLUB		

EXECUTIVE SUMMARY:

Council has received an application from the owner of the Warwick Farm Racecourse seeking an amendment to Liverpool Local Environmental Plan 2008 (LLEP 2008) to rezone part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial while also allowing the retailing of camping and outdoor recreation equipment, white goods and home décor items.

This report recommends an amendment to LLEP 2008 to rezone and allow additional uses on Munday Street land which is considered an appropriate zoning that will introduce investment and employment opportunities to an area well serviced by transport and in close proximity to the rail and arterial road network.

This report also recommends that Council enters into two Voluntary Planning Agreements requiring the developer of each parcel to provide land dedication and works identified within the Heads of Agreement (attached).

DETAILED REPORT:

Background

The owner of the Munday Street site, the Australian Jockey Club (AJC) is seeking an amendment to the LLEP 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 has 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 staff housing in the late 1940s for the AJC. The houses remained as staff housing until the 1980s.

The Warwick Farm Racecourse and Australian Jockey Club

The Warwick Farm Racecourse is the busiest racehorse training facility in NSW with approximately 900 horses in work at the track every day. Since 2008 the AJC has spent over \$20 million on equine training upgrades including but not limited to a synthetic training track, a tunnel under the tracks to facilitate safe equine access and over 300 stables.

The AJC is a 'not for profit organisation' and is constitutionally bound to invest all surplus revenue into facilities and race day prize money to help attract more owners and race day attendance. One of the aims stated within the Australian Jockey Club's 2009/2010 Annual Report is to re-brand Warwick Farm Racecourse as *"the best country style racecourse in any city in Australia"*. To assist in achieving this, the AJC must sell the Munday Street site in order to upgrade and improve the facilities at Warwick Farm. The AJC Board have also directed management to invest all monies acquired through Warwick Farm Racecourse property only at Warwick Farm (Attachment 3).

The AJC has offered to enter into a VPA to deliver appropriate works to support a future development on the site.

The Site

The Munday Street site is located to the west of the Warwick Farm Racecourse land, and is identified as 21 – 27 Munday Street and 3 – 9 Warwick Street (see Figure 1). The Munday Street site is bounded by Munday Street, Governor Macquarie Drive, Manning Street, Warwick Street and the Hume Highway.

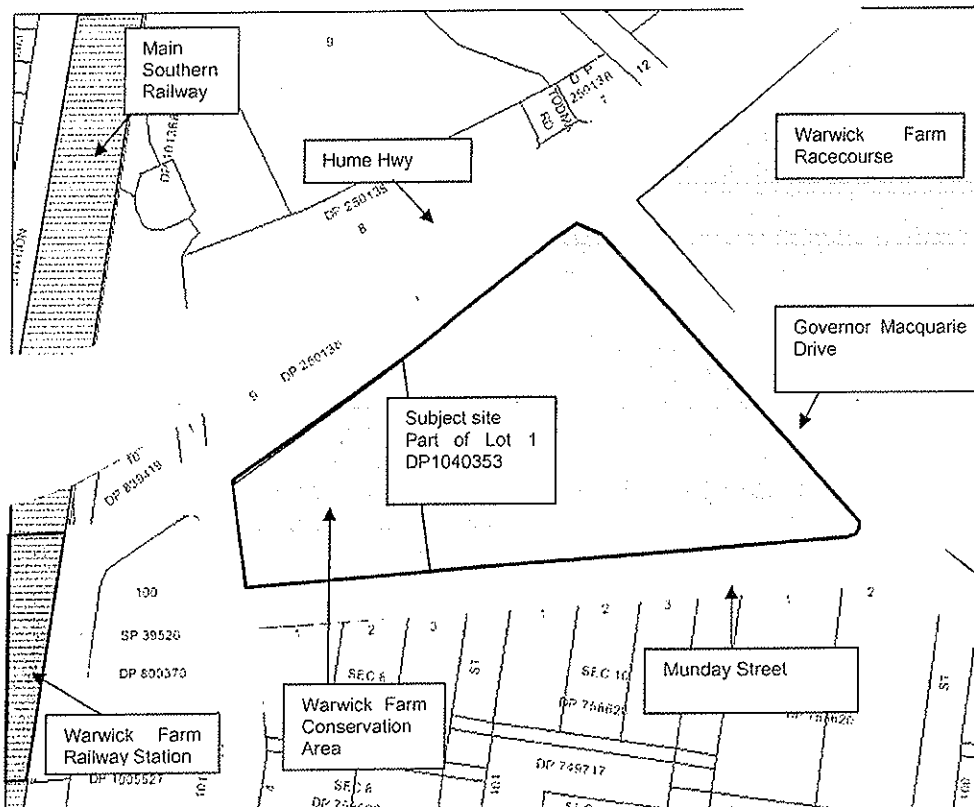


Figure 1 Location map

The western portion (shown cross hatched in figure 1) of the subject site contains eight detached cottages. The cottages were erected in the late 1940s (finalised in the 1950s) as staff accommodation by the AJC. These dwellings and their curtilage are identified as the Warwick Farm Heritage Conservation Area. The larger, eastern portion of the land is vacant and has been used as an overflow car park for the racecourse.

Current Zoning

Part of Lot 1 DP 1040353 is currently zoned RE2 Private Recreation and R2 Low Density Residential (see Figure 2). The portion of land zoned R2 Low Density Residential is also identified as the Warwick Farm Heritage Conservation Area under LLEP 2008 (Division 1 of Part 2 within Schedule 5 - Heritage).

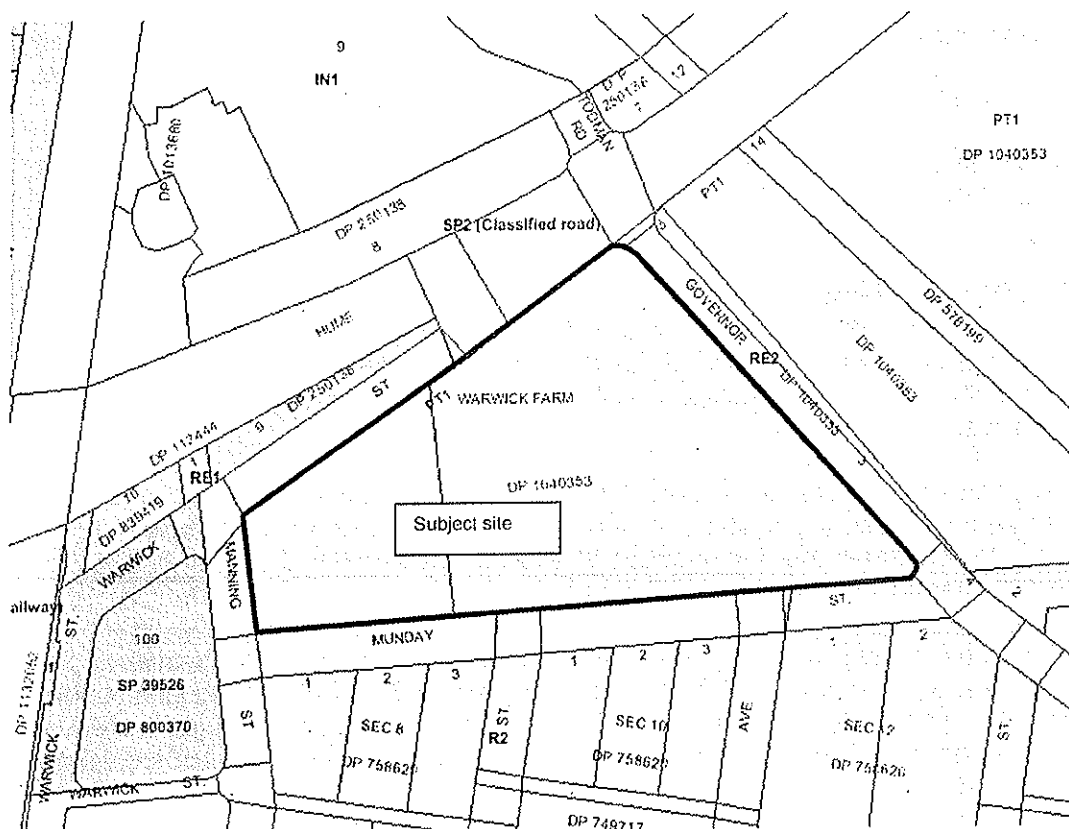


Figure 2 - Current Zoning

Proposed Amendment

The AJC is seeking to amend the current planning controls on land that is excess to itsland holding needs. The resulting uplift in value and subsequent sale of the Munday Street site would generate funds to be reinvested back into the Warwick Farm Racecourse by the AJC. The AJC is committed to reinvest the financial benefits gained as a result of the rezonings back into the Warwick Farm racecourse (Attachment 3).

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

- This clause applies to part of Lot 1 DP 1040353 being land north of Munday Street, Warwick Farm
- Development for the retailing of camping and outdoor recreation equipment, white goods and home décor items is permitted with consent.
- 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 has been outlined in more detail below.

Heritage at Warwick Farm

As part of overall planning proposal of the Warwick Farm Racecourse, the AJC has 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 Racecourse is considered to be the premier heritage item in this locality. It 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 LLEP 2008, the group of houses were gazetted as the Warwick Farm Conservation Area in Division 1 of Part 2 of LLEP 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 eight 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 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 Racecourse's 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 council support the applicant's proposal in seeking consent to remove the Heritage Conservation Area from the Munday Street site.

Planning considerations

The cottages although intact, are run down as a result of poor maintenance over the years, and the continued residential use of the properties does not represent highest and best use of the site. The cost to renovate the dwellings far exceeds potential rental return, and the site location close to arterial road network and passenger rail system would suggest more intensive use of the site is appropriate.

The sale of the Munday Street site would provide the AJC with essential finances to upgrade existing facilities including a complete rebuild of the racecourse track and upgrades to the horse swimming pools, horse walkers, race day stalls, trainer's observation towers, the main customer grandstand and staff facilities and storage areas. To ensure that Warwick Farm Racecourse continues to be the premier training facility in NSW and to encourage increased patronage to race events essential upgrades are necessary. This can only be possible through the disposal of the Munday Street site and reinvestment into the Warwick Farm Racecourse site.

The rezoning submission has been supported by a number of background reports considering heritage, flooding and drainage and traffic generation. These issues have been outlined in more detail within the Planning Proposal (see Attachment 1).

These issues are briefly addressed below:

Heritage Impact and the Conservation Management Plan

The applicant has prepared a draft Conservation Management Plan (CMP) for the Warwick Farm Racecourse Precinct and includes the Munday Street site. The CMP considers all heritage values within the precinct and establishes a framework for retaining values and accommodating appropriate development. As stated earlier the CMP does not support retaining listing of the eight cottages on the Munday Street site.

Flooding and Drainage

The site is partially flood liable. 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.

Planning Proposal

The Planning Proposal stipulates the intent, benefits and impacts of the LEP amendment as well as compliance with relevant State Government Growth Strategies, Ministerial Directions and State Environmental Planning Policies.

The Planning Proposal is considered by the Department of Planning through the Gateway Determination. If the determination is favourable, Council, at the direction of the Department undertakes government authority consultation and public exhibition. A copy of the Planning Proposal has been attached for reference (see attachment 1). The proposed zone changes are generally outlined in Figure 3.

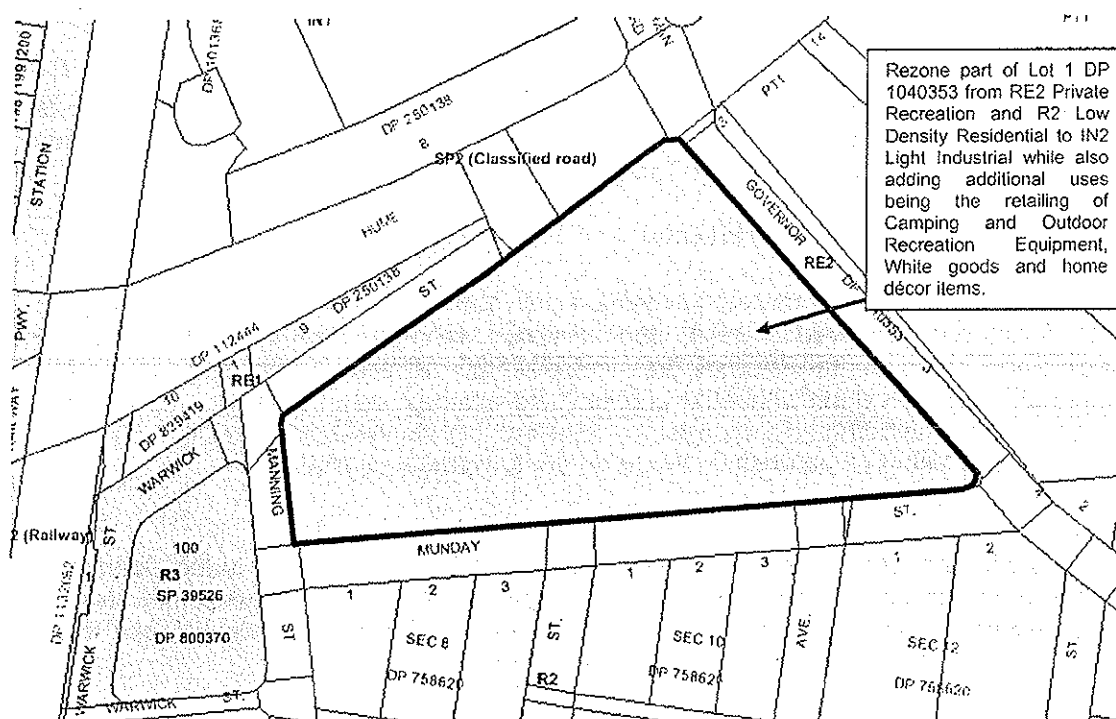


Figure 3 Proposed Changes to the LLEP

A future report considering the public exhibition and government consultation will be prepared for Council's consideration following the Department of Planning gateway determination and consultation process.

Justification to allow a Home Improvement Centre

This report recommends that Council amend the LEP 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.

The IN2 Light Industrial zone permits with consent *landscape and garden supplies* and *timber and building supplies* while the additional uses will allow the retailing of camping and outdoor recreation equipment, white goods and home décor items. The combination of these permissible land uses will in turn allow for the retailing of a comprehensive range of goods related to home improvement.

The benefits of the development a home improvement centre in this location would be:

- To consolidate and strengthen Liverpool as the sub-region's regional city by 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 the arterial road network,
- Provides for funding of improvements to the Warwick Farm Race Course, a major event facility in Western Sydney.

Coopers Paddock and Additional Uses on Land North of Governor Macquarie Drive

At the meeting 18 October 2010, Council resolved to proceed with an amendment to LLEP 2008 for land north and south of Governor Macquarie Drive. This land is also owned by the AJC. The purpose of that amendment was to rezone land south of Governor Macquarie Drive from RE2 Private Recreation to IN1 General Industrial and RE1 Public Recreation. It also aims amend Schedule 1 of the Liverpool LEP 2008 to permit "stock and sale yards" and rezoning land along the Georges River from RE2 Private Recreation to RE1 Public Recreation.

Part of that resolution included the acceptance (by Council) to enter into a Voluntary Planning Agreement with the AJC. Since that Council meeting the VPA has been split into two documents (two VPA's). The two VPA's will now apply as follows;

- A VPA between the AJC and Council for land north of Governor Macquarie Drive and Coopers Paddock site; and
- A VPA between the AJC and Council for the development of the Munday Street site.

It is important to note that the range of facilities and land secured under the VPA remain the same.

Voluntary Planning Agreement

To support its application to amend the LEP, the AJC has now offered to enter into two Voluntary Planning Agreements. The two VPA's will be based on the Heads of Agreement that was Council agreed to enter into at the meeting of 18 October 2010. However the items within the Heads of Agreement will be divided into their respective documents to where they are required.

List of Items that will be provided by the developer for Munday Street Development (Attachment 4) are:

- Traffic Improvements;

- AJC to undertake minor upgrade of Hume Highway and Governor Macquarie Drive and dedicate land to the RTA for intersection upgrades of Hume Highway and Governor Macquarie Drive; and
- Intersection upgrades of Governor Macquarie Drive and Munday Street.

List of Items that will be provided for Coopers Paddock and Additional Uses on Land North of Governor Macquarie Drive (Attachment 5) are:

- Traffic Improvements;
 - Governor Macquarie Drive to be widened to two lanes in each direction between Hume Highway and William Long Bridge. The new carriageway is to be located on the southern side of the existing carriageway including;
 - - Lighting;
 - - Kerb and guttering; and
 - - Median strip.
- Remediation and dedication to Council of designated land (land to zoned RE1);
- Management of the designated land for five years;
- Carrying out of works as per the Vegetation Management Plan;
- New intersection is to be constructed at the Coopers Paddock and Governor Macquarie Drive; and
- New intersection is to be constructed at the Inglis entry at Governor Macquarie Drive.

Note that all works above will be subject to future Development Application and reporting and consideration.

Conclusion

Following consideration of the reporting provided and the attributes of the site, it is recommended that Council 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.

Further it is recommended that Council forward the Planning Proposal to the Department of Planning seeking Gateway Determination with a view to publicly exhibit the proposed amendment.

It is also recommended that Council resolves to enter into two Voluntary Planning Agreements with the Australian Jockey Club which will deliver upgrades to infrastructure as well as remediation works as outlined in the two items of works listed above.

FINANCIAL IMPLICATIONS:

The proposal to enter into two Voluntary Planning Agreements with the landowner will secure the provision of appropriate infrastructure items by the developer. Adoption of the recommendations mentioned within this report does not require Council to dedicate funds during the current financial year, but secures appropriate works that will be delivered to facilitate and support the development. In the longer term the VPA identifies works and land to be dedicated to Council which have an ongoing maintenance cost. These costs will

need to be considered and factored into the budgeting process as the assets are approved and taken over by Council.

RECOMMENDATION:

That Council:

1. Proceeds with an amendment to the Liverpool Local Environmental Plan 2008 which:
 - rezones part of Lot 1 DP 1040353 from RE2 Private Recreation and R2 Low Density Residential to IN2 Light Industrial; and
 - amends Schedule 1 of the Liverpool LEP 2008 to permit the retailing of camping and outdoor recreation equipment, white goods and home décor items on part of Lot 1 DP 1040353.
 - removes the Warwick Farm Conservation Area from Division 1 of Part 2 within Schedule 5 of LLEP 2008.
2. Forwards the attached Planning Proposal to the Minister for Planning seeking gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
3. Enters into a Voluntary Planning Agreement requiring the developer of each parcel to provide land dedication and works identified within the Heads of Agreement (attached).

SIGNED BY:

Milan Marecic
Director
City Strategy

Attachments:

- Attachment 1: Planning Proposal (under separate cover)
- Attachment 2: List of Directors
- Attachment 3: Letter from AJC advising commitment to reinvest funds into Warwick Farm
- Attachment 4: Draft VPA Heads of Agreement (Munday Street)
- Attachment 5: Draft VPA Heads of Agreement (Coopers / Inglis Site)

Attachment 2: Directors of the AJC

MR RON FINEMORE (CHAIRMAN)
MR JOHN CORNISH (VICE CHAIRMAN)
MS JULIA RITCHIE
MR RICHARD KELLY
MR JOHN INGHAM
MR THOMAS FORD
MS SHARON SKEGGS
MR JAMES MATHERS
MR ALAN OSBURG
MR WILLIAM SWEENEY