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General Manager
Liverpool City Council
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Attention: Mr Theo Zotos

29 July 2011

Re: Planning Proposal – “Weekend Markets” site Orange Grove Road, Warwick Farm

Dear Theo,

We refer to Council’s correspondence of 28 July 2011 and the additional matters which you have requested to be addressed relating to the Planning Proposal lodged for the “Weekend Market” site.

Council has requested the submission of:

- A Net Community Benefit Test consideration consistent with evaluation criteria in the Consultation Draft Centres Policy, April 2009, and
- Clarification of the proposed total retail floor space limitation.

Included at Attachment 1 is a Net Community Benefit Test consideration adapted from the evaluation criteria set out in chapter 8 of the Draft Centres Policy dated April 2009. This consideration addresses point one of Councils requested additional information.

The second point of clarification sought relates to the proposed restriction on the provision of a maximum area of “retail premises” on the land to a GFA of 20,000m².

The lot that contains the current “Weekend Markets” is legally described as Lot 121 DP 876962. The lot is an irregular shaped allotment with no direct frontage to Orange Grove Road. There are located on this parcel of land, two buildings. These are the “Weekend Markets” building occupying the central area of the site and five industrial/warehouse units located along the southern boundary of the site towards the rear. Car parking for these five units is located between the “Weekend Markets” building and the five industrial/warehouse units. An area of approximately 1.6ha is vacant at the eastern most end of the site behind the “Weekend Markets” building.

Therefore in regard to existing gross building area currently accommodated on Lot 121 DP 876962 the building areas comprise:

- | | |
|--|-------------------------------|
| • Weekend Markets building | approx. 14,440 m ² |
| • Basement to Weekend Markets building | approx. 4,150 m ² |
| • Industrial units 1-5 | approx. 3,745 m ² |

This equates to a total existing gross building area on the site of 22,340m².

The suggestion to impose a maximum retail floor area on the proposed rezoning of the site is based upon:



- i. Not exceeding the current gross building area accommodated on the site;
- ii. The Economic Impact Assessment was based upon a scenario where 25,000m² of retail floor space was accommodated on the site; and
- iii. The Traffic Impact assessment was based upon a scenario where the total retail floor area exceeded 20,000m².

The suggestion to cap the retail floor area at 20,000m² was derived from the fact that it was not intended to seek conversion of all of the existing available floor space to retail uses. The suggested cap was also well below the floor space thresholds considered in the supporting studies in terms of economic impact and traffic generation.

The underlying intent of the Planning Proposal, if successful, is to lodge a Development Application to seek consent for the use of the 14,440 m² of space in the "Weekend Markets" building as factory retail outlets. The suggested cap on the permissible retail floor area has been proposed as a means of limiting the size that the use could grow to, subject to further Development Consents and satisfactory assessment against Section 79C of the *Environmental Planning and Assessment Act 1979*.

As we understand Council's concerns, the proposed wording of item 13 in Schedule 1 should be limited to a floor area equivalent to the floor space of the "Weekend Markets" building, excluding the floor area within the five industrial/warehouse units on the site. This would equate to an area of 18,590m² (14,440 m² + 4,150 m²), or for rounding purposes 19,000m².

The suggested wording of item 13 in Schedule 1 to the Liverpool LEP 2008 would therefore read as follows:

13 Use of certain land at Warwick Farm in Zone B5

- (1) This clause applies to Lot 121 DP 876962 in Zone B5 Business Development at Orange Grove Road, Warwick Farm.
- (2) Development for the purpose of a single building comprising retail premises having a maximum Gross Floor Area of 19,000m² is permitted with consent.
- (3) No single retail tenancy shall be greater than 1200m²

We trust that the attached information has responded to Council's concerns and that the reporting of the application can proceed to Council's meeting of 25 July 2011.

Should you wish to discuss any aspect of this submission please do not hesitate to contact me or Scott Barwick on (02) 9380 9911 or by email at amccabe@sjb.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Barwick'.

Scott Barwick
Associate

Attachment 1 – Net Community Benefit Test consideration



Attachment 1

Net Community Benefit Test consideration

Evaluation Criteria	Consideration	Consistent
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area?</i>	Yes. The site is located within the catchment of the Regional City of Liverpool and within an existing Specialised Centre identified in Liverpool City Council's "Liverpool Business Centre and Corridors Strategy" The Planning Proposal facilitates the seven day a week use of existing land zoned for employment generating uses to be utilised for employment generating purposes.	Yes
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</i>	Yes. The site is located within the catchment of the Regional City of Liverpool. The site forms part of the Orange Grove Employment Lands identified in the South West Subregion Draft Subregional Strategy. The 2km walking catchment of the regional City of Liverpool is confirmed in the Metropolitan Plan for Sydney 2036.	Yes
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	No. This amendment will not create a precedent for other LEP amendments. The Planning Proposal seeks to facilitate alternate uses for the existing building on the site with scope for limited expansion. The proposed use of the site as factory retail outlets is considered to be a compatible and complementary use to the existing adjoining bulky goods retail centre.	Yes



Evaluation Criteria	Consideration	Consistent
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered?</i> <i>What was the outcome of these considerations?</i>	Yes. A Planning proposal for the adjoining land fronting Orange Grove Road is currently being considered by Council. The impacts of this proposal as well as the subject proposal have been considered in the Economic Impact Assessment and Traffic Impact Assessments undertaken. The assessments have concluded that no significant impacts will arise to the retail hierarchy of Liverpool or upon the viability of the Liverpool centre. The traffic assessment has concluded that sufficient transport capacity and car parking accommodation is available to support the development that would be facilitated by the Planning Proposal.	Yes
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	Yes. The Planning Proposal will facilitate the creation of full-time employment generating opportunities compared to the current use of the building which is limited to Saturdays and Sundays only. The Planning Proposal will not result in the loss of existing Employment generating lands.	Yes
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	No. The Planning Proposal will have no impact upon the supply of housing or land zoned for housing provision.	Yes



Evaluation Criteria	Consideration	Consistent
<i>Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?</i> <i>Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	Yes The site is serviced by all necessary public infrastructure to accommodate the proposed use and will not require any augmentation to these existing facilities. The site is serviced by existing public bus routes as detailed within the planning proposal documentation. The locality is also served by on road and off-road cycle paths that connect the site to Liverpool CBD, Warwick Farm rail station and ultimately Parramatta.	Yes
<i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i>	No The site is currently employment generating land and this status will not alter. The Planning proposal broadens the range of permitted uses to include retail premises. Existing customers and suppliers will not significantly alter their travel patterns. The broadening of the use to permit complementary retailing to the existing bulky goods uses on the neighbouring sites. This co-location of uses has the potential to minimise over all trip generation as discussed in the traffic impact assessment lodged with the proposal.	Yes
<i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i>	The site and locality benefits from significant infrastructure investment that is proposed to be utilised on a seven days a week basis instead of the current limited weekend only usage. The proposal therefore seeks to more efficiently and appropriately utilise for employment generating purposes this public infrastructure. The existing services and facilities can readily accommodate the expected demand from the proposed use.	Yes



Evaluation Criteria	Consideration	Consistent
<i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i>	No. The land does not contain any environmental constraints and the potential for flood inundation has been addressed in the past development and use of the site.	Yes
<i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</i>	Yes. The adjoining land fronting Orange Grove Road is proposed to be re-zoned to B6 Enterprise Corridor. The subject land and adjoining land to the north will remain zoned B5 Business Development. The proposed development will have no significant impacts upon the amenity of the surrounding locality and will not alter the public domain.	Yes
<i>Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</i>	Yes. The locality is a "Specialised Centre" under the "Liverpool Business Centre and Corridors Strategy". The proposal seeks to facilitate specialised retail development for factory retail outlets that complement the operation and function of the adjoining bulky goods retail outlet. The proposal supports employment growth opportunities and has been assessed to have a minimal impact upon the viability of other centres in the Liverpool area.	Yes
<i>If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?</i>	The location is part of an existing Specialised Centre that is well served by infrastructure and transport needs. The Planning proposal and limitations have been proposed to specifically avoid the site evolving into a centre, such as the restriction on the size of individual tenancies to avoid the development of uses such as full line supermarkets, department stores and discount department stores.	Yes



Evaluation Criteria	Consideration	Consistent
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	The land is employment generating land that is effectively underutilised due to the limited weekend usage. Proceeding with the Planning proposal now would facilitate the full time employment generating uses within existing structures that are currently serviced. The Planning Proposal therefore has the potential to deliver economic benefits without any need for public investment in infrastructure and to realise the potential employment and economic benefits of the underlying classification of the subject lands as employment generating in the South West Subregion Draft Subregional strategy. The implications of not proceeding with proposal is that the delivery of these economic benefits and investment are not realised in the medium term and the underlying objectives of the designation of the land as employment generating lands are not being realised.	Yes