

Blacktown Local Environmental Plan 1988 (Amendment No 235) - To extend the trading days for Parklea Markets to include Fridays

Proposal Title : Blacktown Local Environmental Plan 1988 (Amendment No 235) - To extend the trading days for Parklea Markets to include Fridays

Proposal Summary : The Planning Proposal seeks to amend the definition of "week-end market" under clause 31 of Blacktown Local Environmental Plan 1988 to extend the number of trading days for Parklea Markets to include Fridays as an extra trading day. Currently, the trading days for Parklea Markets are restricted to "Saturday or Sunday or on any public holiday which occurs on a Monday between 7.30am and 6pm".

PP Number : PP_2011_BLACK_006_00 **Dop File No :** 11/16794

Proposal Details

Date Planning Proposal Received : 15-Sep-2011 **LGA covered :** Blacktown

Region : Sydney Region West **RPA :** Blacktown City Council

State Electorate : BLACKTOWN **Section of the Act :** 55 - Planning Proposal

LEP Type : Policy

Location Details

Street : Sunnyholt Road

Suburb : Glenwood **City :** Blacktown **Postcode :** 2768

Land Parcel : Part Lot 100 DP 1092236 - The land is zoned 5(a) (Special Uses - General Zone) pursuant to Blacktown LEP 1988 and is identified on the relevant zoning map by black lettering as "Markets".

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting Notes : **INTRODUCTION:**
It is noted that on 16 August 2011, the Almona Pty Ltd (the company who owns the Parklea Markets) has been placed in receivership by Westpac Banking Corp., as the Company owes more than \$31 million to secured creditors. Westpac Bank has appointed PPB's Phillip Carter and Christopher Hill as joint receiver and manager to Almona Pty Ltd. (An article from the Australian Financial Review is in Documents).

This Planning Proposal is the third Planning Proposal for the Parklea Markets Site, with the other two Planning Proposal's still under progression. In this regard, it is important to consider the impact of this planning proposal in a strategic context and whether issues arise from the cumulative affect of all proposed development of the Parklea Markets Site. A description of the background for each is provided below.

BACKGROUND TO THIS PLANNING PROPOSAL

Parklea Markets are located on the corner of Sunnyholt and Old Windsor Roads. The site contains the Parklea Markets building, administration building and associated ground level car parking as well as vacant land and the existing service centre on the Old Windsor Road. The building area of Parklea Markets is around 20,000m², which is used for weekend markets. It has around 800 plus stalls which sell a large range of commodities such as, but not limited to, clothing, cosmetic, bulky goods, hardware, auto accessories, electric items, landscape supplies, fresh food and fast food.

The site is zoned as 5(a) (Special Uses – General Zone) and clause 31 of Blacktown Local Environmental Plan 1988 restricts the trading days for Parklea Markets to Saturday or Sunday or on any Monday public holiday between the hours of 7.30am and 6pm.

Council had received an application in the early 1990's from the owner of the Parklea

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Markets to extend the operating hours of the Markets to Thursdays and Fridays from 9am to 9pm in addition to the existing permissible week-end operation. This was followed by an Environmental Study in 1994 to assess the traffic conditions, amenity issues, public interest and the economic implications and impacts of Thursday and Friday operation of the Markets (details are in Council's Planning Report). Based on these findings, Council resolved to proceed with a Local Environmental Plan amendment which only allowed trading of Fridays from 9am to 5 pm, in addition to the week-ends and Monday public holiday, as this would retain comparability with other markets operations in the Sydney metropolitan area.

However, due to significant number of objections received, mainly from nearby retailers, a Public Hearing was held under the Environmental Planning and Assessment Act 1979, followed by a Commissioner's Report in 1999. The Commissioner's Report recommended that the draft Local Environmental Plan not proceed mainly due to poor public transport to the site, with an uncertainty of intended transtways or public transport improvements within the next 10 years, and due to the viability of some nearby district centres being threatened.

BACKGROUND - PART 3A

In February 2009, the Proponent submitted a request to the Minister for Planning seeking the site be declared a Part 3A Project and a Concept Plan be authorised.

The Department recommended to the Minister that the Site be declared a Major Project under (former)Part 3A.

The Proposal consisted of the following to be undertaken in 4 Stages over 5-7 years:

- Service Centre - parking - 434 spaces, 22,000sq.m growers market (7 days/week) and Undercroft Parking – 1050 space, Extension of the Parklea Markets trading hours from 2 to 7 days;
- 105 room hotel;
- 25,000m² exhibition/convention centre and undercroft parking 2260 spaces
- 300 room hotel and 5000 seat indoor entertainment centre

The estimated capital investment value was \$173,298,000.

The matter was referred to the Planning Assessment Commission (PAC) for an independent review. The PAC did not support the Department's recommendation, and recommended that the Minister not authorise the submission of a concept plan at this stage.

The PAC recommended (in summary), the Minister consider two possible options for progression of the proposal:

1. The Department could request further information from the proponent regarding economic justification for the proposed uses, staging and certainty of development, potential economic impacts on surrounding commercial centres, traffic and acoustic impacts. The proposal for Part 3A could then be reconsidered.
2. The proponent could lodge a joint rezoning/ DA with Council for Stage 1 of the proposal (Growers Market and Service Centre). Following Stage 1, the proponent could then apply for the authorisation of a Concept Plan for the remaining proposed development of the site.

The former Minister decided not to authorise the submission of a Concept Plan.

The former Minister also stated that any future proposal would be best dealt with by the

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Blacktown City Council. Council should address issue of how and what the Parklea Markets land was currently zoned for and should be done as part of its council-wide comprehensive LEP.

FIRST PLANNING PROPOSAL ENDORSED BY THE GATEWAY [PP_2010_BLACK_002_00]

In light of the previous recommendations and comments by the PAC and the former Minister, a Planning Proposal was submitted to Department of Planning & Infrastructure for the construction of motel and conference facilities at the Parklea Market site. On 15 October 2011, the Deputy Director General, Plan Making & Urban Renewal as the delegate of the Minister, determined that an amendment to the Blacktown Local Environmental Plan 1988 to permit the development of a motel and associated conference facilities on Part of Lot 100 DP 1092236 should proceed subject to the following conditions:

- The planning proposal must be subject to community consultation for 28 days.
- Consultation is required with the following public authorities: Integral Energy, Ministry of Transport, RTA, Sydney Water, Telstra and adjoining LGAs.
- The time frame for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

SECOND PROPOSED PLANNING PROPOSAL ENDORSED BY THE GATEWAY [PP_2011_BLACK_004_00]

On 7 July 2011, the Department received a second Planning Proposal for development within Parklea Market site. This Planning Proposal sought to amend Clause 46 of Blacktown Local Environmental Plan 1988 to permit the development of a new service centre on Sunnyholt Road and an additional restaurant facilities in the existing Service Centre on Old Windsor Road.

On 1 August 2011, the Deputy Director General, Plan Making & Urban Renewal as the delegate of the Minister, determined that an amendment to the Blacktown Local Environmental Plan 1988 to permit the development of a new service centre on Sunnyholt Road and an additional restaurant facilities in the existing Service Centre on Old Windsor Road should proceed subject to the following conditions:

- The planning proposal must be subject to community consultation for 14 days.
- Consultation is required with the Roads and Traffic Authority.
- The time frame for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

External Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donation disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

Council received 1 disclosure statement from the Land Owner, and a copy has been provided to the Department of Planning & Infrastructure. According to the disclosure

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statement, Almona Pty Ltd (i.e. owner of the Parklea Market) donated \$2,500 to the Liberal Party of Australia on 23 June 2009 (a copy of the statement is in documents).

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The application clearly identifies the objective of the Planning Proposal to amend Clause 31 of the Blacktown Local Environmental Plan 1988 to permit the extension of trading days to include Fridays as an extra trading day.

It is considered that the intended outcomes of the Planning Proposal are consistent with the criteria outlined in the Guide to Preparing Local Environmental Plans.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The Planning Proposal would involve extension of trading days for Parklea Markets to include Friday as an additional day.

The 'Hours of operation' remain unchanged i.e. between 7:30am and 6pm, as well as the operation of the Market on Monday Public Holidays only.

It is considered that the explanation of provisions is clear and satisfactory.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

* May need the Director General's agreement

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

STANDARD INSTRUMENT (Local Environmental Plans) ORDER 2006

The Planning Proposal seeks to amend a site specific clause (i.e. clause 31) contained within the Blacktown Local Environmental Plan 1988. The proposed amendment is inconsistent with the LEP template under the Standard Instrument Order 2006.

To achieve consistency with the Standard Instrument Order 2006, Blacktown City Council may wish to consider appropriately rezoning the site to reflect the proposed uses on-site during preparation its Principal LEP.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

1.1 BUSINESS AND INDUSTRIAL ZONES

Part 3 of Planning Proposal indicates that the Planning Proposal complies with this Direction. However, this direction only applies to 'land within an existing or proposed business or industrial zone'. The subject site is currently zoned 5(a) (Special Uses - General Zone) pursuant to Blacktown Local Environmental Plan 1988. Therefore, the Direction does not apply.

3.4 INTEGRATED LAND USE AND TRANSPORT

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It is unclear whether this Direction applies. The Direction applies to a planning proposal that create, alter or remove a zone or provision relating to 'urban land' including land zoned for residential, business, industrial, village or tourist purposes. While this land is zoned special uses, it is being used for urban purposes.

In this regard, the draft proposal alters the existing trading days of the Parklea Markets. The proposal is however considered not to be inconsistent with the direction as the proposal does not conflict with the aims, objectives and principles of:

- (a) Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001) and
- (b) The right Place for Business and Services – Planning Policy (DUAP 2001)

for the following reasons:

- improve access to jobs by public transport;
- have a choice of available transport and reduce dependence on cars;
- reduce travel demand including the number of trips generated by the development and the distances travelled, especially by car; and
- support the efficient and viable operation of existing North-West T-Way.

6.3 SITE SPECIFIC PROVISIONS

The direction requires that a Planning Proposal that amends another environmental planning instrument in order to allow a particular development to be carried out, shall either:

- (a) allow that land use to be carried out in the zone the land is situated on, or
- (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

It is considered that the planning proposal is inconsistent with (b) and (c) above as the proposed variation to the permissible trading days is considered to be the imposition of an additional development standard and therefore inconsistent with the Direction.

However, given that existing clause 31 is already non-compliant with the Direction and as the Planning Proposal proposes to increase trading days of Parklea Markets by only one day, the inconsistency is considered to be minor nature. Further, this is a matter the Council will be able to consider a solution for as part of its Principal Local Environmental Plan preparation.

The approval of the Director-General's Delegate is recommended in this report, to satisfy the Direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY

The draft Planning Proposal is considered to be generally consistent with the vision, land use strategy, policies, outcomes and actions of the Metropolitan Plan, particularly in relation to providing suitable commercial sites and employment lands in strategic areas (for details please refer to Appendix B in documents submitted with the Planning Proposal).

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : A location map and an existing zoning map have been submitted by Blacktown Council. The maps clearly indicate the location of the site and are considered satisfactory for community consultation purposes.

At this stage, it is considered that maps will not be required at the drafting stage of a local environmental plan as the Planning Proposal does not alter the existing land application of Clause 31, and only seeks to alter the definition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : No community consultation period has been proposed by Blacktown Council. However, given the nature of the Planning Proposal and cumulative Strategic nature of the two existing Planning Proposals that apply to Parklea Markets, it is recommended that it should be placed on public exhibition for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : This report recommends that the Planning Proposal be amended and resubmitted to the gateway prior to consultation. It is recommended that the Gateway issue the following conditions in it's determination:

1. Part 3 Section B - Planning Proposal be amended to correctly identify all S.117 Directions (and consistency to) as well as draft SEPP's that may be relevant;
2. Table 1, Part 3 Section A - Planning Proposal be amended to correctly address the cumulative impacts of all Planning Proposals and development applications currently subject to the site and the relationship to out of centre development;
3. Given the traffic and site access concerns that have been raised as a result of the two preceding Planning Proposals for Parklea Markets [PP_2010_BLACK_002_00 & PP_BLACK_004_00]; a traffic study should be included as part of the Planning Proposal prior to consultation with agencies and the community;
4. Part 3 Section D of the Planning Proposal be amended to adequately address State and Commonwealth Interests, including potential impacts to existing State Infrastructure and other outcomes that will be addressed as an outcome of a relevant traffic study;

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : The Planning Proposal has addressed Statement of Objectives and Explanation of Provisions as required by the relevant guidelines.

It is noted that Council report which was submitted with the Planning Proposal provides a clear strategic and holistic review of Parklea Markets, the context and planing issues, however, the Planning Proposal itself is considered to inadequately address relevant matters in the 'Part 3', Justification Section.

In this regard, while the proposal itself may have merit for progression given the detail outlined in the Council report, this report recommends that the Planning Proposal be amended and resubmitted to the Gateway, so that it may better address the criteria in Part 3.

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Proposal Assessment

Principal LEP:

Due Date : July 2012

Comments in relation to Principal LEP :

Blacktown Council recently received funding under the Local Environmental Plan Priority Program to assist in finalising its Principal Local Environmental Plan.

It is scheduled that a s64 submission will be submitted by 5 December 2011 and s68 submission by 14 May 2012 to the Department.

Assessment Criteria

Need for planning proposal :

THE CURRENT PLANNING PROPOSAL

The current Planning Proposal seeks to amend the definition of "week-end markets" under clause 31 of Blacktown Local Environmental Plan 1988 to permit the extension of trading days for Parklea Markets to include Fridays as an extra trading day. Currently, the trading days for Parklea Markets are "Saturday or Sunday or on any public holiday which occurs on a Monday between 7.30am and 6pm".

The proposal is accompanied by an Economic Impact Assessment Study prepared by a property consultant on behalf of the owner. Council has however indicated the need of a Traffic Study prior to the exhibition of the proposal in the event that a Gateway Determination is issued.

In this light, an assessment on some of the relevant key planning matters is provided below to consider the need for the planning proposal in further detail:

1. TECHNICAL STUDIES AND INVESTIGATIONS

As stated above, the proposal is accompanied by an Economic Impact Assessment prepared by a property consultant on behalf of the owner. The key conclusions from the Economic Impact Assessment are:

- Impact on existing centres will be insignificant with no centre experiencing more than 3% loss in turnover and assuming no further increase in supply all existing centres will experience growth in real turnover from 2009 to 2011.
- Extending trading hours will bring a number of economic and social benefits including:
 - o additional casual employment;
 - o increased consumer choice;
 - o improved competition;
 - o contribution to meeting growing demand;
 - o improved sustainability due to its proximity to a high profile public transport system;
 - o improved equity particularly for the 7.2% of households in the primary trade area without motor vehicles; and
 - o increased tourism (day trippers) with potential multiplier benefits for local businesses.

Further, with regard to the 3% loss, it is unknown whether there is a suitable industry standard of what an 'acceptable' shift in customer turnover would be, but it is considered that 3% is relatively minor in a broad view.

2. IMPROVEMENT IN ACCESSIBILITY TO THE PARKLEA MARKETS

Council has advised that it has been over a decade since the 1999 Environmental Study for the extension of an extra trading day on Friday was considered. Since then significant development has occurred in the area, improving consideration of accessibility of the site. Both Sunnyholt and Old Windsor Roads have been upgraded to 2-3 lane each way with Parklea Markets strategically located in very close proximity to public transport and major

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infrastructure, i.e. on the North West T-way bus corridors and within close proximity of the proposed North West Rail Link (Kellyville Station) that is capable of servicing the site. Both Sunnyholt and Old Windsor Roads provide convenient access to the M2 and M7 Motorways.

3. GROWING AREA

The population of the Blacktown North area is growing at 3.8% per year. The strong levels of population growth in the trade area will support the level of retail demand in the short, medium and longer term.

4. POTENTIAL TRAFFIC IMPACTS OF THE PLANNING PROPOSAL

Council has advised that although detailed development issues are generally addressed at the development application stage, potential locational constraints and traffic impacts are considered crucial to deciding the merit of the current Planning Proposal, particularly given that approval of extending the trading days to include one extra day on Friday may give rise to potential traffic impacts both on Sunnyholt Road and Old Windsor Road. This could have a particular negative impact on workforce traffic in peak times.

Council therefore contends that a Traffic Study should be submitted to Council prior to the exhibition of the proposal in the event that a Gateway Determination is issued.

In light of the above, Section D of the Planning Proposal has not adequately addressed the public infrastructure and potential traffic issues. Therefore, this report recommends that Gateway direct Regional Planning Authority to submit a revised Planning Proposal along with the traffic study recommended by Council.

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Consistency with strategic planning framework :

It is considered that the proposal satisfies the Gateway Determination criteria for the following reasons:

1. DRAFT CENTRES POLICY 2009

The Planning Proposal is an 'out of centre' development. While the draft Centres policy allows these types of activities be considered on merit (and for new centres to establish), it outlines key principles and criteria that should be used.

The Planning Proposal is consistent with the key principles of the Department of Planning and Infrastructure's Draft Centres Policy 2009 as the site is now strategically located close to public transport (located at the intersection of the Blacktown-Parklea and Parramatta-Rouse Hill Transitways and the proposed North West Rail Link and is located at the junction of two major roads, i.e. at the corner of Sunnyholt and Old Windsor Road, that have been significantly upgraded and very capable of servicing the site.

Further, the proposal will provide more jobs in Western Sydney, improve competition and attract customers or tourists from other regions. It will increase consumer choice and provide an extra day of shopping convenience every week and improve sustainability due to its proximity to the high profile transport system.

Hence, it is concluded that the Planning Proposal is not inconsistent with the Draft Centres Policy.

The Proposal (Part 3) Justification, however, has not adequately addressed in the 'Cumulative Effects' of the spot rezonings, nor has it adequately addressed potential to develop in to a centre.

This report recommends that the Planning Proposal be amended and resubmitted to correctly address this matter.

2. DRAFT STATE ENVIRONMENTAL PLANNING POLICY (COMPETITION) 2010

The aim of this draft State Environmental Planning Policy is to promote economic growth and competition and remove anti-competitive barriers in the planning system.

Council contends that the Economic Impact Assessment undertaken for this Planning Proposal is consistent in addressing the aims of the draft Competition Policy in that it will promote economic growth and competition. The proposal will increase competition with the established centres of Glenwood, Stanhope, Norwest, Kellyville District Centre and Rouse Hill Town Centre. It will increase both consumer choice and competition by trading the additional day on Friday.

Council's comments are supported.

However, the Planning Proposal itself does not adequately address or justify the outcomes of the Economic Impact Statement in 'Section B' of the Planning Proposal. Further, the Planning Proposal does not nominate or address any relevant draft State Environmental Planning Policies.

3. METROPOLITAN PLAN

One of the aims of the Plan is to provide suitable commercial sites and employment lands in strategic areas.

The Parklea Markets site is significant site in both size and location which provides employment opportunities in North West Sydney. Further, the site is strategically located in relation to existing and proposed public transport and the road network including the M2 and M7 motorways. The proposal is expected to enhance existing employment lands with additional jobs.

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An other aim of the Strategy is to concentrate activities near public transport.

The Planning Proposal is considered to be consistent with this aim as the site is located along the North West Transitway and the proposed North West Rail Link.

4. DRAFT NORTH WEST SUB-REGIONAL STRATEGY 2007

The draft North West Sub-Regional Strategy 2007 indicates that future urban growth should be located close to infrastructure such as train stations and Strategic Bus Corridors to ensure the maximum use of such infrastructure.

The proposal is consistent with the Strategy due to its immediate proximity to a high profile transport system i.e. it is located along both the strategic North West T-Way bus corridors and within close proximity of the Kellyville Rail Station in the proposed North West Rail Link. In this regard, the proposal does not rely solely on the proposed rail link given the medium term timetable for delivery.

However, it is considered that the proposal will incur additional patronage on the Transitway, which will be a positive outcome for the significant Government investment in this public transport infrastructure (detailed information is at Appendix B in Documents.

In view of the above, it is considered that consistency with strategic planning framework has been adequately addressed by Council, however, Section D of the Planning Proposal has not adequately addressed the public infrastructure and potential traffic issues. Therefore, this report recommends that Gateway direct Regional Planning Authority to submit a revised Planning Proposal along with the traffic study recommended by Council.

Environmental social
economic impacts :

To address economic and social impacts of the Planning Proposal, the applicant commissioned a specialist property consultant to undertake an independent Economic Impact Assessment. The key conclusions of the Economic Impact Assessment are discussed under Need for Planning Proposal of this report and are repeated below:

- Impact on existing centres will be insignificant with no centre experiencing more than 3% loss in turnover and assuming with no further increase in supply all existing centres will experience growth in real turnover from 2009 to 2011.
- Extending trading hours will bring a number of economic and social benefits including:
 - o additional casual employment;
 - o increased consumer choice;
 - o improved competition;
 - o contribution to meeting growing demand;
 - o improved sustainability due to its proximity to a high profile public transport system;
 - o improved equity particularly for the 7.2% of households in the primary; trade area without motor vehicles; and
 - o increased tourism (day trippers) with potential multiplier benefits for local businesses.

The proposed amendment to Clause 31 is unlikely to have additional environmental effects on the locality.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority : **Department of Transport NSW**
Consultation - 56(2)(d) : **Roads and Traffic Authority**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Once the Planning Proposal has been amended (for reasons outlined in this report); it is considered that the Planning Proposal has merit for progression to community consultation.**

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **This report recommends that the Planning Proposal be amended and resubmitted to the Gateway prior to consultation. It is recommended that the Gateway issue the following conditions in it's determination:**

1. Part 3 Section B - Planning Proposal be amended to correctly identify all relevant S.117 Directions (and consistency to);

2. Table 1, Part 3 Section A - Planning Proposal be amended to correctly address the cumulative impacts of all Planning Proposals and development applications currently subject to the site and the relationship to out of centre development;

3. Given the traffic and site access concerns that have been raised as a result of the two preceding Planning Proposals for Parklea Markets [PP_2010_BLACK_002_00 & PP_BLACK_004_00]; a traffic study should be included as part of the Planning Proposal prior to consultation with agency's and the community and is a matter which was previously identified by the PAC;

4. Part 3 Section D of the Planning Proposal be amended to adequately address State and Commonwealth interests, including potential impacts to existing State Infrastructure and other outcomes that will be addressed as an outcome of a relevant traffic study;

5. If this site is to emerge and grow as an activity 'centre', this should be well articulated in the Planning Proposal.

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

A Traffic Report prior to exhibition of the Planning Proposal

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The Site is not a greenfield site**

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Documents

Document File Name	DocumentType Name	Is Public
Covering Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council's Planning Report.pdf	Determination Document	Yes
Economci Impact Assessment.pdf	Study	Yes
Aerial View of the Site.pdf	Map	Yes
Zoning Map.pdf	Map	Yes
Disclosure Statement of Polictical Donations and Gifts.pdf	Determination Document	No
Appendix B - Relationship to Strategic Planning Framework.pdf	Determination Document	Yes
Article from The Australian Financial Review.pdf	Determination Document	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions: **1.1 Business and Industrial Zones**
3.4 Integrating Land Use and Transport
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **This report recommends that the Planning Proposal be amended and resubmitted to the Gateway prior to consultation. It is recommended that the Gateway provide the following points to Council in it's determination:**

- 1. Part 3 Section B - Planning Proposal be amended to correctly identify all S.117 Directions (and consistency to) as well as any relevant draft State Environmental Planning Policies;**
- 2. Table 1, Part 3 Section A - Planning Proposal be amended to correctly address the cumulative impacts of all Planning Proposals and development applications currently subject to the site and the relationship to out of centre development;**
- 3. Given the traffic and site access concerns that have been raised as a result of the two preceding Planning Proposals for Parklea Markets [PP_2010_BLACK_002_00 & PP_BLACK_004_00]; a traffic study should be included as part of the Planning Proposal prior to consultation with agency's and the community and is a matter which was previously identified by the PAC;**
- 4. Part 3 Section D of the Planning Proposal be amended to adequately address State and Commonwealth Interests, including potential impacts to existing State Infrastructure and other outcomes that will be addressed as an outcome of a relevant traffic study;**
- 5. If this site is to emerge and grow as an activity 'centre', this should be well articulated in the Planning Proposal.**

Should Gateway decide to proceed with the proposal without resubmission, the following conditions are recommended:

- 1. Exhibited for 28 days**
- 2. Consultation with the Roads and Traffic Authority and Ministry of Transport concurrent to Community Consultation**

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3. The Director General's delegate pursuant to the item (6) of section 117 (2) Direction – 6.3 Site Specific Provisions agrees that the provisions for the Planning Proposal that are inconsistent and are of minor nature.

4. The Planning Proposal is to be submitted within 9 months from the week following the Gateway determination.

5. A Traffic Study being conducted prior to Planning Proposal put on exhibition.

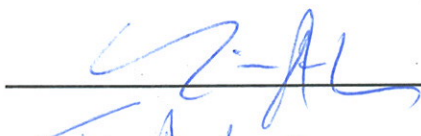
6. The Planning Proposal be amended to Planning Proposal be amended to correctly address the cumulative impacts of all Planning Proposals and development applications currently subject to the site and the relationship to out of centre development. If this site is to emerge and grow as an activity 'centre', this should be well articulated in the Planning Proposal

Supporting Reasons :

In summary, the Planning Proposal is supported for the following reasons:

- The site strategically located close to public transport (Strategic Bus Corridors - located at the intersection of the Blacktown-Parklea and Parramatta-Rouse Hill Transitways) and the proposed North West Rail Link and is located at the junction two major roads i.e. Sunnyholt Road and Old Windsor Road. These two roads have been significantly upgraded to 2-3 lanes each way;
- Consistent with the objectives of the Draft North West Subregional Strategy 2007 that future urban growth "should be located close to infrastructure such as train stations and Strategic Bus Corridors to ensure the maximum use of such infrastructure";
- Consistent with the Draft Centres Policy as the proposal will provide more jobs in Western Sydney, improve competition and attract customers or tourists from other regions. It will increase consumer choice and provide an extra day of shopping convenience per week, and improve sustainability due to its proximity to the high profile transport system. This information should be better addressed in the Planning Proposal;
- Consistent with the aims of the Draft State Environmental Planning Policy (Competition) 2010 in that it will promote economic growth and competition with the new centres established in the locality including Glenwood, Stanhope, Norwest, Kellyville District Centre and Rouse Hill Town Centre. It will increase both consumer choice and competition by trading the additional day on Friday. The proposal is also less than the original proposal from the early 1990's;
- The population of the Blacktown North area is growing at 3.8% per year. The strong levels of population growth in the trade area will support the level of retail demand in the short, medium and longer term';
- The Economic Impact Assessment under taken for the Planning Proposal on behalf of the applicant states that the impact on existing centres will be insignificant with no centre experiencing more than 3% loss in turnover and assuming no further increase in supply all existing centres will experience growth in real turnover from 2009 to 2011. Further, extending trading hours will bring a number of economic and social benefits including:
 - o additional casual employment;
 - o increased consumer choice;
 - o improved competition;
 - o contribution to meeting growing demand;
 - o improved sustainability due to its proximity to a high profile public transport system;
 - o improved equity particularly for the 7.2% of households in the primary trade area without motor vehicles; and
 - o increased tourism (day trippers) with potential multiplier benefits for local businesses.

Blacktown Local Environmental Plan 1988 (Amendment No 235) - To extend the trading days for Parklea Markets to include Fridays

Signature: 

Printed Name: Tim Archer Date: 23/9/11