Planning Proposal

Parklea Markets, Sunnyholt Road, Glenwood

Proposed Amendment to Blacktown Local Environmental Plan 1988

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

Parklea Markets, on the corner of Sunnyholt and Old Windsor Roads, Parklea is a building of around 20,000sqm that 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, cosmetics, bulky goods, hardware, auto accessories, electrical items, landscape supplies fresh food and fast food.

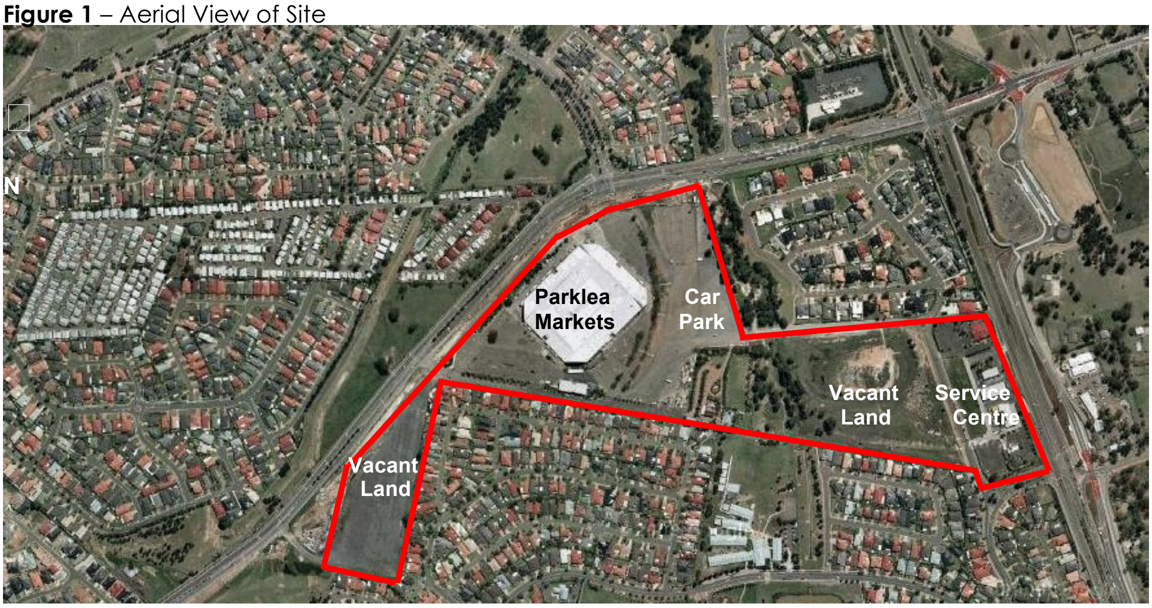
The site, shown outlined in red in Figure 1 below, consists of the Parklea Markets building, administration building and associated ground level car parking as well as vacant land and the existing service centre on Old Windsor Road.

Clause 31 of Blacktown Local Environmental Plan (BLEP) 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.

The objective of this planning proposal is to permit, subject to Council consent, an extension of trading days for Parklea Markets on Sunnyholt Road, Glenwood.

The intended outcome will be Parklea Markets being able to trade on Friday, Saturday or Sunday and any Monday public holiday between 7.30 a.m. and 6 p.m. subject to Council consent.

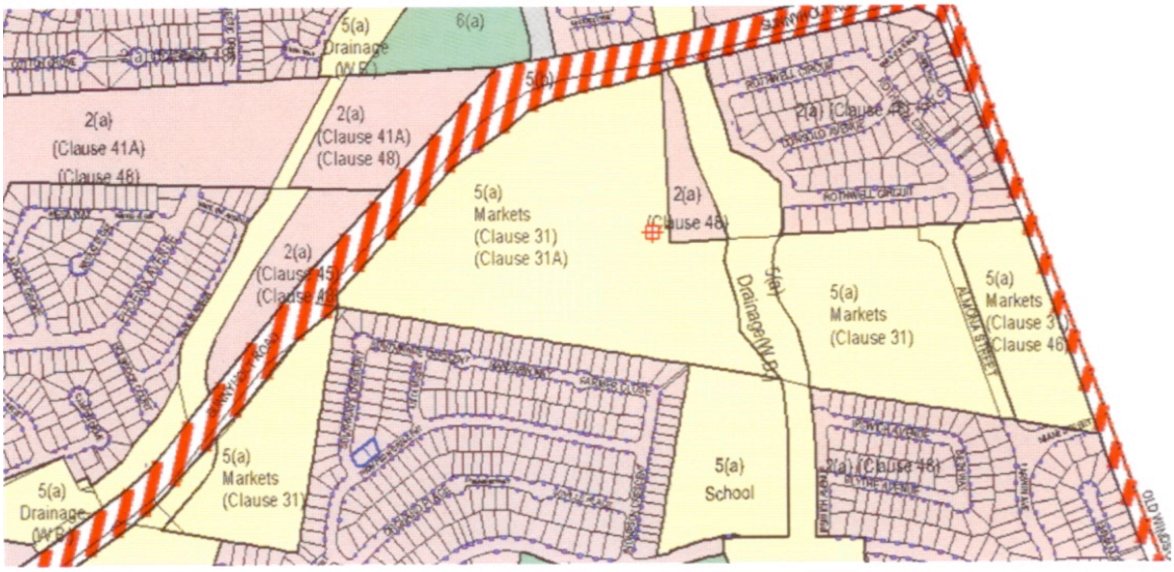
Figure 1 – Aerial View of Site



PART 2 EXPLANATION OF PROVISIONS

The Parklea Markets site is currently zoned zoned 5(a) (Special Uses – General Zone) pursuant to Blacktown Local Environmental Plan (BLEP) 1988 and is identified by black lettering as "Markets" on the accompanying zoning map (refer Figure 2).

Figure 2 – Zoning Map (Source: Blacktown Council)



The key provisions of BLEP 1988 Clause 31 that restricts the trading days for Parklea Markets is as follows:

> <u>Clause 31 (2)</u> defines "week-end market" as:
>
> *"a place (other than a shop) where goods (including food) are sold by 2 or more persons from temporary stalls, booths, benches or tables on a Saturday or Sunday, or on any public holiday which occurs on a Monday, between 7.30 a.m. and 6 p.m.".*
>
> <u>Clause 31 (3)</u> of BLEP 1988 states:
>
> *"except as otherwise provided by this clause, the carrying out of development on the land to which this clause applies is prohibited".*
>
> <u>Clause 31 (4)</u> defines the following uses, with the consent of council, the designated Parklea Markets building can be used for:
>
> *"(a) a week – end market;*
> *(b) a plant nursery;*
>
> *(c) a cultural, recreational, sporting or entertainment facility, including exhibitions, trade shows and the like".*

PART 3 JUSTIFICATION

Section A – Need for the planning proposal

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

The planning proposal is a result of the following;

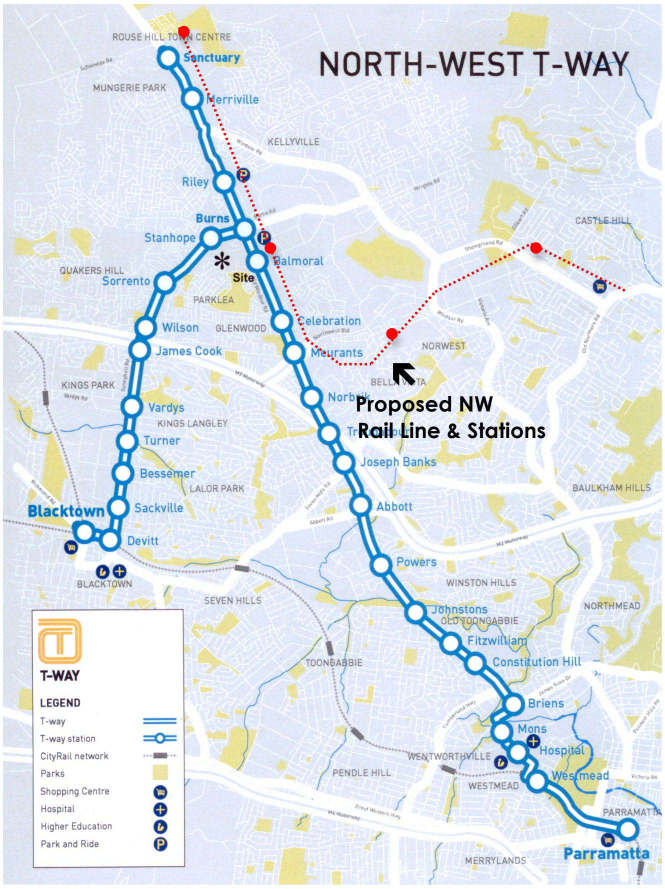
A. Recognition in the *Draft North West Sub-regional Strategy 2007* that future urban growth "should be located close to infrastructure such as train stations and Strategic Bus Corridors to ensure the maximum use of such infrastructure".

B. Recognition of the sites strategic location in relation to the existing North-West Bus T-Way and the proposed North West Rail Link."

C. Economic Impact Assessment undertaken by Hill PDA which concluded the planning proposal will have "insignificant impact" on existing centres in the locality and will "bring a number of economic and social benefits".

The site, which is the subject of this Planning Proposal, is strategically located at the intersection of both links in the North-West T-Way and adjacent the proposed North West Rail Link (refer Figure 3).

Figure 3 - North-West T-Way



The markets are approx. 50m from the Stanhope T-way stop and 600 metres from a proposed train station on the North West Rail link.

The North-West T-Way comprises:

- A 17 km link from Parramatta to Rouse Hill primarily adjacent to Old Windsor Road and Windsor Road; and,

- A 7 km link from Blacktown to Parklea adjacent to Sunnyholt Road.

The Sate Government has committed to the completion of the North West Rail link by 2024. This link will run from Epping to Rouse Hill and will have six (6) stations. One station will be located on the corner of Burns Road and Old Windsor Road.

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

The planning proposal is seen as the best means of achieving the stated objective and intended outcome. The proposed amendment to the trading days for Parklea Markets is prohibited development under the current BLEP 1988 and a change to the LEP is required to allow Blacktown Council to consider a proposal to allow the markets to trade one (1) extra day on Fridays.

3. Is there a net community benefit?

A net community benefit arises where the sum of all the benefits of a development or rezoning outweighs the sum of all costs. The justification to proceed with the planning proposal to allow one (1) extra days trading for Parklea markets has taken into consideration the public interest and the consequence of not proceeding with the change in land use.

Specialist property consultants, Hill PDA, were commissioned by the owners of Parklea Markets, Almona Pty Limited, to undertake an independent Economic Impact Assessment (EIA) of proposed extended trading to Parklea Markets. Refer Appendix A for a copy of the EIA.

The key conclusions from the EIA are:

1. Impacts on existing centres will be insignificant with no centre experiencing more than 3% loss in turnover and assuming no further increases in supply all existing centres will experience growth in real turnover from 2009 to2011.

2. Extended trading hours will bring a number of economic and social benefits including:
   - (i) Additional casual employment;
   - (ii) Increased consumer choice;
   - (iii) Improved competition;
   - (iv) Contribution to meeting growing demand;
   - (v) Improved sustainability due to its proximity to a high profile public transport system;
   - (vi) Improved equity particularly for the 7.2% of households in the
   - (vii) primary trade area without motor vehicles; and
   - (viii) Increased tourism ("day trippers") with potential multiplier benefits for local businesses.

In addition, Table 1 provides an evaluation of the Planning Proposal against the key criteria for a Net Community Benefit Test set out in the Department of Planning's Draft Centres Policy. The level of detail and analysis is proportionate to the size and likely impact of the proposed LEP amendment.

Based on the responses to the key criteria, it is judged that the proposed changes to the Blacktown LEP will produce a net community benefit.

Table 1 – Net Community Benefit Test Assessment

Evaluation Criteria	Assessment	✓/x
Will the LEP be compatible with agreed State and regional strategic direction for development in the area?	More detailed assessment of the compatibility of the LEP with agreed State and regional strategic direction for development in the area is provided in Section B4 of this proposal. In summary, the proposed amendment is compatible with the following State and regional strategic directions; ▪ Provide more jobs in western Sydney. ▪ Provide places and locations for all types of economic activity and employment across the Sydney Region. ▪ Concentrate activities near public transport. ▪ Protect and strengthen the primary role of economic corridors.	✓
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The proposed amendment is located along the strategic North West T-Way bus corridors and the North West Rail Link as identified in the Sydney Metropolitan Strategy 2005.	✓
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The LEP deals with a unique and significant site that is strategically located on the North West T-way and proposed North West rail link and in close proximity to the Norwest Business Park. There is no other site similar in size or operation in the North West sector of Sydney and so the planning proposal should not create any sort of precedent. The expectations of landowners in the locality are that the markets continue to operate as a market and not as a centre that generally operates seven (7) days per week. The planning proposal seeks to extend the operating hours to only three (3) days per week except on a Monday public holiday when it will operate for four (4) days of that week only. Markets such as Paddys Markets (Haymarket) operates from Wednesday through to Sunday & Paddys Markets (Flemington) operates from Friday through to Sunday.	✓

Evaluation Criteria	Assessment	✓/x
	The perception from the general public that Parklea Markets is a "market" type operation will not change with the addition of one (1) extra days trading.	
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are no cumulative effects from spot rezonings in the locality that need to be considered.	✓
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Extended trading will provide additional employment opportunities, particularly for casual staff in retail operations.	✓
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No.	✓
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?	A unique characteristic of this site is the strategic location in relation to the following public infrastructure that is very capable of servicing the site: <u>Roads</u> – corner of Sunnyholt & Old Windsor Roads that have been significantly upgraded & very capable of servicing the site. Both roads also provide convenient access to the M2 and M7 Motorways. <u>Public Transport</u> – located at the intersection of the Blacktown–Parklea and Parramatta–Rouse Hill transit ways that are under-utilised and more than just capable of servicing the site. Also only 600m away from a rail station in the proposed North West rail link.	✓
Is there good pedestrian and cycling access?	There is good pedestrian and cycle access to the site along Old Windsor Road and from nearby residential areas.	✓
Is public transport currently available or is there infrastructure capacity to support future public transport.	The site is located at the intersection of the Blacktown–Parklea and Parramatta–Rouse Hill transit way and within 600m of a rail station in the proposed North West rail link.	✓
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers?	The proposal will impact on car distances travelled by employees by locating jobs close to where workers live and with very good access to existing public transport and proposed rail station.	✓

Evaluation Criteria	Assessment	✓/x
If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The likely impact of less distances traveled by both customers and employees will result in a decrease in greenhouse gas emissions and operating costs for vehicles etc. The fewer kilometers traveled will also result in improved road safety.	✓
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?	There is significant Government investment in both the local road network and the North – West Transitway. The government is also committed to construction of the North West rail link. The expected impact of the proposal is additional patronage on the Transitway that is a positive outcome for the significant Government investment. Preliminary discussions with the RTA indicate that the Transitway is currently under-utilised and that they would like to see more destination type land uses located along the Transitway.	✓ ✓
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?	No. No	✓ ✓
Will the LEP be compatible or complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is not expected to change how the existing markets interface with, and is compatibility with, surrounding residential and other urban uses. The proposal involves no physical works and is not expected to impact on the existing amenity in the location and wider community. The proposal does not impact on the public domain.	✓ ✓ ✓
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will not increase the number of retail and commercial premises operating in the area but will provide an increase in choice and competition by trading an additional day during the week.	✓
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No. As detailed in the attached EIA prepared by Hill PDA the proposed extra day trading does not have the potential to develop the existing markets into a centre in the future.	✓

Evaluation Criteria	Assessment	✓/x
What are the public interest reasons for preparing the draft plan?	As detailed in the attached EIA prepared by Hill PDA the public interest for preparing the draft plan will be a number of economic and social benefits including: ▪ Additional casual employment; ▪ Increased consumer choice; ▪ Improved competition; ▪ Contribution to meeting growing demand; ▪ Improved sustainability due to its proximity to a high profile public transport system; ▪ Improved equity particularly for the 7.2% of households in the primary trade area without motor vehicles; and ▪ Increased tourism ("day trippers") with potential multiplier benefits for local businesses.	✓
What are the implications of not proceeding at this time?	A loss to the local community of both social and economics benefits as identified in the attached EIS.	✓

Section 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)?

As identified in the *Sydney Metropolitan Strategy Map* the planning proposal is strategically located as follows;

1. On the edge of the Orbital Motorway Network.
2. Adjacent the proposed North West rail link.
3. On the North West Transitway.

Appendix B provides details on how the planning proposal is seen to be consistent with the relevant objectives and actions contained within both the *Sydney Metropolitan Strategy* and *Draft North West Sub-region Strategy* and the key principles contained within the *Draft Centres Policy*.

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

There is no relevant Community Strategic Plan or any other local strategic plan.

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

The new draft State Environmental Planning Policy (Competition) 2010 which has been placed on public exhibition proposes:

- The commercial viability of a proposed development may not be taken into consideration by a consent authority, usually the local council, when determining development applications;
- The likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered unless the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
- Any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

The stated purpose of the proposed changes is to "*allow genuine competition to flourish between retail businesses which would place downward pressure on prices*".

The policy aims of draft SEPP are:

(a) *to promote economic growth and competition, and*

(b) *to remove anti-competitive barriers in environmental planning and assessment.*

As identified in the appended Economic Impact Assessment the Planning Proposal will promote economic growth and some competition consistent with the primary policy aim of the draft SEPP.

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

Table 2 provides an assessment of the Planning Proposal against the applicable Ministerial Directions.

Table 2 – Assessment against Ministerial Directions

Ministerial Direction	Comment	✓/X
1. Employment and Resources 1.1 Business and Industrial Zones	The Planning Proposal complies with the primary objective of this direction by encouraging employment growth in a suitable location that is well located in relation to both road and public transport and presently supports existing jobs in the customer service sector. The planning proposal is not inconsistent with other objectives of this direction.	✓
3. Housing, Infrastructure and Urban Development 3.4 Integrating Land Use and Transport	The planning proposal is consistent 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). In particular, the planning proposal will: (a)improve access to jobs by public transport, and (b) have a choice of available transport and reduce dependence on cars, and (c) reduce travel demand including the number of trips generated by the development and the distances travelled, especially by car, and (d) support the efficient and viable operation of existing North-West T-Way.	✓

Ministerial Direction	Comment	✓/X
6. Local Plan Making 6.3 Site Specific Provisions	The objective of the planning proposal will amend Blacktown Local Environmental Plan in order to allow the particular development proposal to proceed in the existing zone without imposing any further development standards or requirements in addition to those already contained in the LEP.	✓
7. Metropolitan Planning 7.1 Implementation of the Metropolitan Strategy	The Planning Proposal is consistent with the vision, land use strategy, policies, outcomes and actions of the Metropolitan Strategy, particularly in relation to providing suitable commercial sites and employment lands in strategic areas. Refer Appendix B for more detail on the relationship between the planning proposal and the Metropolitan Strategy.	✓

Section C – Environmental, social and economic impact.

8. Is there a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No.

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

The Planning Proposal is considered minor in respect to environmental impact.

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

To address any social and economic effects that may result from this planning proposal specialist property consultants, Hill PDA, were commissioned by the owners of Parklea Markets, Almona Pty Limited, to undertake an independent Economic Impact Assessment (EIA) of proposed extended trading to Parklea Markets. Refer Appendix A for a copy of the EIA.

The key conclusions from the EIA are:

1. Impacts on existing centres will be insignificant with no centre experiencing more than 3% loss in turnover and assuming no further increases in supply all existing centres will experience growth in real turnover from 2009 to2011.

2. Extended trading hours will bring a number of economic and social benefits.

It is considered that no further action is required to address any social and economic effects.

Section D – State and Commonwealth interests.

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

The locality of the Planning Proposal is very well served by public transport and road infrastructure during existing trading days on Saturday, Sunday and public holiday Mondays. It is expected that the roads and public transport will continue to be able to adequately serve the markets on Fridays as well.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with other public authorities has not occurred at this stage of the gateway process. It is expected that any consultation will be identified following the gateway determination.

PART 4 COMMUNITY CONSULTATION

The gateway determination will specify the community consultation that must be undertaken on the planning proposal. Generally the Department of Planning have set a 14 day public exhibition period for planning proposals that are considered to be of low impact and 28 days for all other planning proposals.