

File no: RZ-11-360

8 September 2011

The Regional Director
Sydney West Region
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124

Dear Sir,

Planning Proposal to amend Clause 31 of Blacktown Local Environmental Plan (BLEP) 1988 for "week-end-market" for the Parklea Markets to Permit the Extension of Trading Days to include Fridays

Council is in receipt of an Application to amend Blacktown Local Environmental Plan (BLEP) 1988. The Application relates to part of Lot 100, DP 1092236, Sunnyholt Road, Glenwood – land predominantly occupied by Parklea Markets. The Applicant wishes to extend the trading days for Parklea Markets to include Fridays as an extra trading day. Currently the Parklea Markets trading days are restricted to "Saturday or Sunday or on any public holiday which occurs on a Monday" via a definition contained within Clause 31 of BLEP 1988.

By way of background, Council had previously received an Application in the early 1990s 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 Environmental Study in 1994 to assess the traffic conditions, amenity issues, public interest and the economic implications and impacts of Friday operation of the Markets (details are included in Report). Based on these findings **Council resolved to proceed with an LEP amendment which only allowed trading on Fridays** from 9am to 5pm, in addition to the week-ends and Monday public holiday, as this would retain comparability with other markets operations in the Sydney metropolitan area.

Due to a significant number of objections received, mainly from retailers, a Public Hearing was held (under EP&A Act 1979) in Council Chambers, followed by Commissioner Dr Carleton's report in 1999 which recommended that the draft LEP not proceed mainly due to poor public transport to the site, with an uncertainty of intended transitways or public transport improvements within the next 10 years, and due to the viability of some nearby district centres being threatened.

However, **circumstances and locality conditions have changed considerably, particularly in relation to the development of nearby higher order centres (Rouse Hill Town Centre and Stanhope District Centre in the Blacktown LGA) and the provision of a high profile public transport system with improved road access, which may mean that Friday trading will not have such a detrimental impact as first envisaged over a decade ago.**

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Council Officers have considered the proposal and are satisfied that the document meets the Gateway Determination criteria for a number of reasons, being:

- The site is 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 of 2 major roads, i.e. at the corner of Sunnyholt and Old Windsor Road, that have been significantly upgraded to 2-3 lanes each way and very capable of servicing the site.
- Recognition in 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".
- Consistency with the Draft Centres Policy in that 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.
- Consistency in addressing 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 retail impact conclusions from the 1999 Environmental Study are thus not necessarily relevant in 2011.
- The population in the Blacktown North area is growing at 3.8% per annum. 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 (EIA) undertaken by Hill PDA on behalf of the applicants states that extended trading hours will bring 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.

On this basis, as the relevant planning authority, Council has resolved on 10 August 2011 to forward it to the Minister for the next step in the process being the Gateway Determination pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979.

In addition, Council is also seeking a Gateway Determination to determine what further technical studies are required to accompany the Planning Proposal so that public and statutory authority comment can be sought prior to making a final decision on the Proposal and prior to formal exhibition of the Planning Proposal.

In this regard Council resolved to advise the Minister for Planning that a Traffic Report is recommended to be required to be submitted by the applicant to Council prior to exhibition of the proposal occurring along with any additional reports that he may consider necessary.

Attached for your reference and information are:

- A copy of the report to Council (SD310064, considered on 10 August 2011) regarding the subject Planning Proposal;
- A copy of the Planning Proposal itself (dated March 2011), which contains a detailed justification and deals with the issues relating to this draft LEP; and
- A Disclosure Statement (pursuant to Section 147(3) of the Environmental Planning and Assessment Act 1979) that **has been submitted** to Council in respect of the subject Planning Proposal.

It is noted that the Applicant, Almona Pty Limited, has recently been placed in the hands of Receivers, PPB Advisory who advised Council on 5 September 2011 that at this stage they do not wish to terminate the 3 existing Planning Proposals currently with Council. A copy of this correspondence is attached.

Should you require any further information regarding this matter, please contact Council's Team Leader Planning Policy, Ms Sue Galt on 9839 6216 or Strategic/Policy Planner, Ms Kaushal Nair on 9839 6094.

Yours faithfully,



Trevor Taylor

Manager Development Policy & Regulation