

MinuteNumber:
03/08/2011

Council Meeting Date: 10.8.2011
Report Number: SD310064

Director City Strategy & Development Author: Nair K./Galt S. (SH), Manager: Taylor T.

ITEM: <#> **DE3272**

SUBJECT:

SD310064 - Proposed Amendment to the Definition of 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

DIVISION REQUIRED: Yes

FILE NUMBER: RZ-11-360

BLACKTOWN CITY 2025 VISION

BLACKTOWN CITY 2025 VISION

Strategy: Urban living and infrastructure

Councillor Comment:

REPORT ITEM:

SUMMARY OF REPORT:

1. 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.
2. Council has previously considered extending the trading hours for Parklea Markets in the mid to late 1990s, for which further details are contained within the body of this report.
3. The current Planning Proposal prepared by Economia pds, on behalf of the owner of the Parklea Markets site, Almona Pty Ltd, seeks to revisit the issue of Friday trading.
4. The proposal is accompanied by an Economic Impact Assessment (EIA) prepared by specialist property consultants, Hill PDA, on behalf of the owner, which stipulates the assessed economic impacts of the proposed LEP amendment. The EIA appears sound from a preliminary review and provides a reasonable platform for the proposal to proceed to the public exhibition stage so as to test public reaction to Friday trading.
5. Due to the proposal's anticipated traffic impact and the land's future development opportunities, a Traffic Study is considered an essential requirement to be submitted to Council prior to the exhibition of the proposal in the event that a Gateway Determination is issued by the Minister for Planning.

6. Reforms to the Environmental Planning and Assessment Act 1979, which commenced on 1 July 2009, provide for the "fast-tracking" of the assessment and processing of Local Environmental Plans (LEPs). Resultantly, this proposal will need to be forwarded to the Minister for Planning seeking a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979, with a request that the Gateway Determination confirm the requirement for any additional reports, particularly a Traffic Study, to be submitted prior to the public exhibition of the proposal.
1. Attachments to this report are:
 - Attachment 1 - Location Plan.
 - Attachment 2 - Planning Proposal for the proposed extension of trading days for Parklea Markets to include 1 extra day on Fridays.
 - Attachment 3 - Disclosure Statement of a Reportable Political Donation or Gift by Applicant.

RECOMMENDATION:

1. Council resolve to forward the Applicant's Planning Proposal held at Attachment 2, together with any amendments deemed necessary by the Department of Planning and Infrastructure Sydney West Region Office to satisfy their requirements, to the Minister for Planning seeking a Gateway Determination to undertake a clause amendment to Blacktown Local Environmental Plan 1988 to Clause 31 to extend the trading days for Parklea Markets to include 1 extra trading day (on Fridays), thus allowing the site to be able to trade on Friday, Saturday and Sunday and any public holiday Monday. Council 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.
2. The Applicant be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is 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.

REPORT:

1. Background

- a. As reported in SD310040 and SD310042, both recently considered by Council at its Ordinary Meeting on 1 June 2011, the Parklea Markets site (refer to location plan at **Attachment 1**) has, over some time, been the subject of several proposals for development and amendments to planning controls under Blacktown Local Environmental Plan (BLEP) 1988.
- b. Council had previously received an Application in the early 1990s from Gillis Delaney Brown Solicitors, acting on behalf of the owner of Parklea 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. In order to consider this extension to trading hours Council resolved in February 1993 that an Environmental Study would be needed to assess the traffic conditions, amenity issues, public interest and the economic implications and impacts of Friday operation of the Markets. This Study, which was

funded by the Applicant and undertaken by Council's consultants, Plant Location International, was completed on 15 July 1994 and concluded that an overwhelming case did not exist for the extension of trading hours as initially sought by the Applicant. 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-end operation, as this would retain comparability with other markets operations in the Sydney metropolitan area.

- c. The Director-General (then Ms Kibble) advised Council on 20 October 1994 that she was not prepared to issue a Section 65 Certificate (this certificate enables Council to place a draft Plan on public exhibition) to allow the exhibition of the draft Plan to proceed because of adverse impacts on traffic, local amenity and retail planning for the area.
- d. At Council's Ordinary meeting of 9 November 1994 Council resolved to consider the Director-General's advice and to ask the Director-General to reconsider her decision.
- e. In response to Council's request for reconsideration, the Director-General advised Council on 10 March 1995 that she had *"recently agreed to a request from Solicitors representing the owners of Parklea Markets to defer reconsideration of the matter pending the receipt of any additional information they wish to submit"*. Ms Kibble further advised that Council would be notified if she received such information and had reconsidered the proposal. Council received no such notification.
- f. The Department of Urban Affairs and Planning (DUAP) was then silent on this matter from March 1995 until the receipt of a letter from the new Director-General, Ms Sue Holliday, on 22 July 1998 noting that the Section 65 Certificate had not been issued as the Department was in the process of finalising its retail policy as part of the Metropolitan Plan.
- g. In September 1998 Council wrote back to the Director-General concerning the delay. On 16 November 1998 the Director-General wrote to Council on this matter advising that she had reconsidered the proposal and would allow Council to exhibit the Draft LEP and therefore granted delegated powers to Council to issue a Section 65 Certificate.
- h. On 18 December 1998 a Section 65 Certificate was issued by Blacktown City Council, and the revised LEP amendment was placed on exhibition from 13 January to 12 February 1999. The advertised LEP Amendment provided an extension of trading hours to include Fridays from 9am to 5pm, in addition to week-ends and Monday public holidays.
- i. A significant number of objections were received from retailers in the region as to the potential retail impacts, future development plans and other matters. Additionally, certain stall holders objected on the basis of reduced likely income on Fridays but higher fees payable to the markets operator.
- j. On 16 December 1998 Council resolved to hold a Public Hearing under the Act and to request the Office of the Commissioners of Inquiry to conduct the Public Hearing.
- k. The Public Hearing was subsequently held in the Council Chambers on 17 and 18 August 1999.

- i. On 3 November 1999 Commissioner Dr Carleton released his report to Council which recommended that the draft LEP not proceed for the following reasons:
- *Economic benefits and impacts are disputed, but markets benefits are likely to be at the cost of planned nearby retail centres, and ultimately at a cost to the community.*
 - *If the proposal proceeds, the viability of some nearby district centres is threatened, which in turn threatens Government/Council planning, related community infrastructure funding and private investment.*
 - *The proposal would provide a more permanent retail presence and would compete with, rather than compliment, the approved retail hierarchy established for the area.*
 - *The proponent has not justified how Friday trading is consistent with markets trading characteristics.*
 - *An extra day of trading may benefit certain Friday shoppers but would not meet the other 4 weekday shopping needs of local residents.*
 - *Road or intersection improvements, needed to avoid present traffic congestion, are unlikely to proceed in the short term (within 5 years).*
 - *Public transport to the site is poor, with intended transitways or other public transport improvements uncertain within the next 10 years.*
 - *The proposal does not satisfy policies aimed at reducing car dependence, traffic congestion and air pollution.*
 - *The proponent has not justified the proposal in terms of promoting the social and economic welfare of the community, the promotion and co-ordination of the economic use of land, or the provision of community services and facilities.*
- b. The Commissioner's report was considered by Council at its Ordinary Meeting on 24 November 1999 and it was resolved by Council to adopt the recommendation of the Commissioner and not proceed with the draft LEP to permit Friday trading at Parklea Markets.
- c. The current Planning Proposal is similar in that it relates to amending Clause 31 of BLEP 1988 to allow an extension of trading days for Parklea Markets to include 1 extra day on Fridays, so as to be able to trade on Friday, Saturday and Sunday and any public holiday Monday. However, **circumstances and locality conditions have changed considerably, particularly in relation to the development of nearby higher order centres and the provision of public transport and improved road access, which may mean that Friday trading will not have such a detrimental impact as first envisaged over a decade ago.** This aspect is further discussed in later sections of this Report.

Provisions in Blacktown Local Environmental Plan 1988 for Parklea Markets Trading Days

- a. The key provisions of BLEP 1988 that relate to the trading days for the Parklea Markets are as follows:

(1) *Clause 31(2) defines "week-end market" as:*

"means 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 7.30am and 6pm."

(2) *Clause 31(3) 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."

(3) *Clause 31(4) of BLEP 1988 states:*

"A person may, with the consent of the council, use the designated building for the following purposes:

- (a) a week-end market;*
- (b) a plant nursery;*
- (c) a cultural, recreational, sporting or entertainment facility, including exhibitions, trade shows and the like."*

- b. Clause 31 clearly regulates the types of activities, the trading days and trading hours that are permitted for the Parklea Markets. In conceptual terms the proposed extension of trading days to include 1 extra day per week on a Friday will also permit the same types of activities and impose the same trading restrictions.

LEP Amendment Process

- a. In July 2009 the NSW Government introduced reforms to the *Environmental Planning and Assessment (EP&A) Act 1979* to expedite the assessment and processing of Local Environmental Plans (LEPs).
- b. The initial step in making an LEP is for the relevant Planning Authority, in this case Council, to formally consider the Planning Proposal and decide whether or not to proceed further. Council has been instructed by the Department of Planning and Infrastructure that the Council resolution should be to either support the proposal at the first stage and proceed to the "Gateway" for a determination or not proceed and inform the Applicant of such.
- c. If Council decides to proceed, the next step in the process is to forward Council's resolution and Planning Proposal to the Minister for Planning seeking a "Gateway Determination". The Determination will stipulate whether the Minister for Planning supports the amendment to proceed to the next stage and, if so, it will detail the requirements for any further technical studies, consultation with government authorities (Section 56 of the Act) and public exhibition timeframes (Section 57 of the Act).

Applicant's Justification for the Clause Amendment

- a. An integral part of the new planning reforms and amending an LEP is the preparation of a "Planning Proposal" (Section 55 of the Act). The Planning Proposal stipulates the intent, benefits and any impacts of the proposed LEP amendment, as well as compliance with relevant State Government Growth Strategies, Ministerial Directions and State Environmental Planning Policies.
- b. The Planning Proposal at **Attachment 2** as submitted by the Applicant indicates that the overall intended outcome from the Planning Proposal is as follows:

- ✓ *"The intended outcome will be Parklea Markets being able to trade on Friday, Saturday or Sunday and any Monday public holiday between 7.30am and 6pm subject to Council consent."*

Applicant's Justification:

- *"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 1 extra day on Fridays."*

- c. The Applicant presents the following arguments in support of the Planning Proposal:
 - i. The Planning Proposal is a result of the following:
 - ✓ 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.
 - ✓
 - ✓ Recognition of the site's strategic location in relation to the existing North West Bus T-Way and the proposed North West Rail Link.
 - ✓
 - ✓ An Economic Impact Assessment undertaken by Hill PDA which concluded that the Planning Proposal will have an "insignificant impact" on existing centres in the locality and will "bring a number of economic and social benefits".
 - iv. The site is strategically located at the intersection of both links in the North West T-Way and is adjacent to the proposed North West Rail Link (Kellyville Station).
 - v. 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 1 extra day of trading per week for Parklea Markets has taken into consideration the public interest and the consequence of not proceeding with the change in land use.
 - vi. Specialist Economic Consultants, Hill PDA, were commissioned by the owners of Parklea Markets to undertake an Economic Impact Assessment (EIA) of the proposed extended trading at Parklea Markets. The key conclusions from the EIA

are:

- ✓ Impacts on existing centres will be insignificant with no centre experiencing more than 3% loss in turnover and assuming with no further increases in supply all existing centres will experience growth in real turnover from 2009 to 2011.
- ✓ 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.

7. Evaluation of the Planning Proposal Against the Draft Centres Policy

- a. Under the Department of Planning and Infrastructure's "Guide to Preparing a Planning Proposal", a Planning Proposal is required to be consistent with the objectives and actions contained within the applicable regional or subregional strategies or justify any inconsistency. The relationship between the Planning Proposal and the applicable strategy (in this case the draft Centres Policy) must be considered in the context of those outcomes and actions to have any merit.
- b. The Department had released a draft Centres Policy to help guide planning for retail and commercial development in New South Wales. This draft Policy aims to ensure that the supply of available retail and commercial land in new and existing centres always accommodates the market's demand, thereby promoting competition through allowing new entrants into the market.
- c. Once implemented the draft Centres Policy will be the overriding policy, replacing the following existing NSW Government Policies:
 - The Right Place for Business and Services – the planning policy component of the Integrating Land Use and Transport policy package.
 - The Metropolitan Strategy.
 - Subregional strategies.
 - The Standard Instrument for local environmental plans
- h. It is worth noting that the Planning Proposal is consistent with the 6 key principles of the now Department of Planning and Infrastructure's Draft Centres Policy 2009, viz:

(1) Principle 1 states:

“Retail and commercial activity should be located in centres to ensure the most efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of those centres.”

(2) Principle 2 states:

“The planning system should be flexible enough to enable centres to grow, and new centres to form.”

(3) Principle 3 states:

“The market is best placed to determine the need for retail and commercial development. The role of the planning system is to regulate the location and scale of development to accommodate market demand.”

(4) Principle 4 states:

“The planning system should ensure that the supply of available floorspace always accommodates the market demand, to help facilitate new entrants into the market and promote competition.”

(5) Principle 5 states:

“The planning system should support a wide range of retail and commercial premises in all centres and should contribute to ensuring a competitive retail and commercial market.”

(6) Principle 6 states:

“Retail and commercial development should be well designed to ensure it contributes to the amenity, accessibility, urban context and sustainability of centres.”

- i. It can be seen from the 6 key planning principles above that the planning system is required to identify the best location and scale of retail and quasi-retail development and provide jobs closer to home, as well as ensuring the most efficient use of infrastructure, promotion of competition and accommodating market demand to address the social, economic and sustainability issues.
- j. The Planning Proposal is consistent with the 6 key planning principles in that 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 2 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.

- k. In addition to the above, 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.

l. Draft State Environmental Planning Policy (Competition) 2010 (Draft Competition SEPP)

- m. The New South Wales Government recently placed draft *State Environmental Planning Policy (Competition) 2010* on public exhibition. The draft Competition SEPP aims to promote economic growth and competition and remove anti-competitive barriers in the planning system.
- n. The preparation of the draft Competition SEPP is a direct result of the NSW Government's response to the *Promoting Economic Growth and Competition through the Planning System* Discussion Paper which was jointly progressed by the Office of Better Regulation and the Department of Planning in 2009.
- o. The Economic Impact Assessment undertaken by Hill PDA on behalf of the applicant is consistent in addressing the aims of the draft Competition SEPP in that it will promote economic growth and competition. The proposal will increase 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.

Draft North West Sub-Regional Strategy 2007

- a. The draft North West Sub-Regional Strategy has been prepared by the New South Wales Government on the basis that well-managed growth will strengthen and enhance the North West as an attractive place to live, work and visit. It further adds 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. In this regard the proposal is consistent with the *Draft North West Subregional Strategy 2007* due to its immediate proximity to a high profile transport system, i.e. it is located along both of the strategic North West T-Way bus corridors and within close proximity of the Kellyville Rail Station in the proposed North West Rail Link. As a result, the Applicant contends that the extension of trading days for Parklea Markets to include Friday is suitable as:

The Draft North West Subregional 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.

Technical Studies and Investigations

- a. It is noted that an Economic Impact Assessment (EIA) has been prepared by specialist

property consultants, Hill PDA, on behalf of the owner, which stipulates the aim and any economic impacts of the proposed LEP amendment. The key conclusion from the EIA is as follows:

“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 to 2011.”

- b. As indicated previously in relation to the extension of trading days variation considered by Council throughout the 1990s, the 1994 Environmental Study was updated and resubmitted in July 1999. It reviewed submissions received, reviewed traffic conditions and assessed the implications and impacts of Friday operation of the Markets. In summary, the 1999 Environmental Study required and commissioned by Council found that:
 - i. Parklea Markets has proved a highly successful week-end markets.
 - ii. It has a very extensive trade area extending over a very large number of existing retail centres.
 - iii. No strong arguments have been advanced in favour of Friday trading.
 - iv. There was strong opposition at that time from a wide range of parties, retailers and Government Departments.
 - v. Capture of sales of \$38 - 39 million (at that time) is unlikely to adversely impact on the major centres of Blacktown, Baulkham Hills or adjacent areas.
 - vi. Concern is expressed as to likely effects on new nearby retail centres at Glenwood, Parklea and centres in the Quakers Hill area, and the report recommended prohibition on fresh food sales on Fridays.
 - vii. Many parties considered the proposal to be counter to the established retail hierarchy.
 - viii. The report questioned whether the proposal is in the overall public interest given the absence of clear evidence of its potential adverse economic or traffic impacts, the absence of strong resident support or any evidence of market failure which suggests that Friday trading is required.
- c. It is of note that it has been over a decade since consideration of the 1999 Environmental Study for the extension of an extra trading day on Friday, and significant development has occurred in the area since this time which improves accessibility to the site. Both Sunnyholt and Windsor Roads have been upgraded to 2 - 3 lanes each way with Parklea Markets strategically located in very close proximity to public transport and major 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 very capable of servicing the site. Both Sunnyholt and Old Windsor Roads provide convenient access to the M2 and M7 Motorways.

- d. The expected impact of the current proposal of extending the trading days to include Friday will incur additional patronage on the Transitway (T-Way), which will be a positive outcome for the significant Government investment in this public transport infrastructure.
- e. Environmental Studies used to be a legislative requisite when preparing draft LEPs pursuant to Section 57 of the Environmental Planning and Assessment Act 1979. This requirement has now been repealed as part of the Planning Reforms which commenced on 1 July 2009.
- f. Instead of the Section 57 provisions, the Department of Planning and Infrastructure's "Guide to Preparing a Planning Proposal" stipulates that:

"In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance.

*Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. **The initial Gateway Determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.**"[emphasis added]*

- g. Whilst road upgrades and traffic conditions have improved in the area (noting that both Sunnyholt Road and Old Windsor Road have been upgraded to 2 - 3 lanes each way from the single carriageway back in the early 1990s), it is **considered essential that a Traffic Study be commissioned by the Applicant** to ascertain the impact of the additional day of trading, particularly as it will be affecting the workforce during Friday peak hours. This issue is further discussed in Section 8 below.
- h. The submitted Economic Impact Assessment (EIA) is considered sufficient to progress the application further to the exhibition stage. There is no doubt that the surrounding retail "climate" has changed since the 1990s with the development of the Rouse Hill Town Centre and the Stanhope District Centre in the Blacktown LGA. Other retail development has also been consolidated within the Norwest Business Park. The retail impact conclusions from the 1999 Study are thus not necessarily relevant in 2011.
- i. The EIA indicates that Parklea Markets probably enjoyed a Primary Trade Area (PTA) for food and grocery shopping during the early years of the Rouse Hill Development Area largely because centres such as Kellyville, Wrights Road, Glenwood, Stanhope and Rouse Hill Town Centre had not been developed and there were very few alternatives for shoppers in the immediate locality. There are still many households today in the locality that probably shop regularly at the Markets for some proportion of their food and grocery shopping. It is likely that they shop at other locations such as Glenwood, Stanhope, Kellyville and Rouse Hill. For this type of regular or "chore shopping" the Markets would have a local trade area covering the immediate suburbs of Kellyville, Stanhope, Parklea and Acacia Gardens.
- j. Food and grocery items comprise only 20% of the Markets floor area and probably no more than one-third of total retail sales. The majority of turnover at the Markets would be in non-chore shopping and here the trade area is more difficult to define. Because

Parklea Markets has a somewhat unique retail offering with a "quasi-entertainment or tourist" theme, it has a very wide but thin trade area. "Thin" in the sense that the majority of households that visit the Markets do so infrequently and "wide" in the sense that shoppers come from long distances. Population in the PTA area is expected to grow on average by 2.4% each year to 2016 and by 2.2% per annum to 2021. This rapid growth is due to urban expansion in the North West Growth Centre. 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.

- k. As the conclusions from the EIA appear sound from a preliminary review, it is considered that it represents a reasonable platform from which to proceed to the stage of public exhibition and the consideration of public submissions. Further refinement or interrogation of the EIA may be necessary following public exhibition.

Potential Traffic Impacts of the Proposed Extension of Trading Days

- a. 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 1 extra day on Friday may give rise to potential traffic impacts both on Sunnyside Road and Old Windsor Road. This could have a particularly negative impact on workforce traffic in peak times.
- b. Given the potential traffic impacts from the Parklea Markets proposal, the uncertain nature of the Parklea Markets site's future development opportunities and given that a Part 3A proposal has been submitted by the Applicant to the NSW Government for a broader redevelopment of the site, a technical **Traffic Study (including a revised parking assessment) needs to be submitted** specifically for the extended trading day component, but taking into account the intended intensification of uses for the site under the Part 3A proposal.
- c. The Traffic Study (including a revised parking assessment) should be submitted to Council prior to the exhibition of the proposal in the event that a Gateway Determination is issued by the Minister for Planning. The initial Gateway Determination will confirm the specifications for this Study and/or any further investigations that are warranted.

Political Disclosure Statement

- a. In accordance with the provisions of Section 147 of the Environmental Planning and Assessment Act 1979, a Disclosure Statement must be lodged in certain circumstances in relation to any planning application, i.e a Development Application, an application to modify a consent, and an application to make an environmental planning instrument or development control plan.
- b. A Disclosure Statement of a *reportable political donation or gift* must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a Disclosure Statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a

submitter.

- c. In accordance with Section 147(3) of the Act, a Disclosure Statement **has been submitted** to Council in respect of the subject Planning Proposal, a copy of which is provided at **Attachment 3**.

Conclusion

- a. The Applicant contends that extension of trading days for Parklea Markets to include Friday is suitable for the following reasons:
 - i. In the *Draft North West Subregional Strategy 2007* 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".
 - ii. The site is in a strategic location in relation to the existing North West Bus T-Ways and the proposed North West Rail Link.
 - iii. The Economic Impact Assessment undertaken by Hill PDA concludes that the Planning Proposal will have an "insignificant impact" on existing centres in the locality and will "bring a number of economic and social benefits".
- b. The Markets' restricted trading days on week-ends and public holidays have allegedly resulted in reduced sales since its early years of operation largely due to the establishment of new Centres. Extending the trading days for Parklea Markets to include 1 extra day will allow genuine competition to flourish between retail businesses which would place downward pressure on prices.
- c. On the basis of the above, it is considered that the proposal has some merit, subject to more rigorous analysis by way of a Traffic Study, and it is therefore **recommended** that the Planning Proposal be submitted to the next stage of the assessment process, being the Gateway Determination.
- d. It is **recommended** that Council seek endorsement as part of the Gateway Determination that a Traffic Study (including parking) be submitted by the Applicant prior to exhibition occurring.
- e. The Applicant should be advised of Council's decision and that such decision should not be construed in any way as constituting final Council support for the proposed LEP amendment. Council is 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.

RECOMMENDATION:

1. Council resolve to forward the Applicant's Planning Proposal held at Attachment 2, together with any amendments deemed necessary by the Department of Planning and Infrastructure Sydney West Region Office to satisfy their requirements, to the Minister for Planning seeking a Gateway Determination to undertake a clause amendment to Blacktown Local Environmental Plan 1988 to Clause 31 to extend the trading days for Parklea Markets to include 1 extra trading day (on Fridays), thus allowing the site to be able to trade on Friday, Saturday and Sunday and any public holiday Monday. Council 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.

2. The Applicant be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is 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.

ATTACHMENTS:

COMMITTEE RECOMMENDATION:

1. Council resolve to forward the Applicant's Planning Proposal held at Attachment 2, together with any amendments deemed necessary by the Department of Planning and Infrastructure Sydney West Region Office to satisfy their requirements, to the Minister for Planning seeking a Gateway Determination to undertake a clause amendment to Blacktown Local Environmental Plan 1988 to Clause 31 to extend the trading days for Parklea Markets to include 1 extra trading day (on Fridays), thus allowing the site to be able to trade on Friday, Saturday and Sunday and any public holiday Monday. Council 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.

2. The Applicant be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is 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.

COMMITTEE DIVISION

Supported: Bleasdale; Atalla; Collins; Robinson; Donaldson

COUNCIL RESOLUTION: