

Planning Team Report

Liverpool LEP 2008 (Amendment 31) - 1975 to 1985 Camden Valley Way, Prestons				
Proposal Title :	Liverpool LEP 2008 (Amendment 31) - 1975 to 1985 Camden Valley Way, Prestons			
Proposal Summary		The planning proposal is to rezone land from B6 Enterprise Corridor to B2 Local Centre Zone to facilitate the development of a full line supermarket on the site, with some specialty retail shops.		
PP Number :	PP_2013_LPOOL_002_00	Dop File No :	13/10036-1	
Proposal Details			· · · · · · · · · · · · · · · · · · ·	
Date Planning Proposal Received :	12-Jul-2013	LGA covered :	Liverpool	
Region :	Sydney Region West	RPA :	Liverpool City Council	
State Electorate :	LIVERPOOL	Section of the Act :	55 - Planning Proposal	
LEP Type :	Spot Rezoning			
Location Details				
Street :				
Suburb :	City :		Postcode :	
Land Parcel : Lo	ot 50, DP1082416 and Lot 1, DP661177, 1975-1985 Camden Valley Way, Prestons			
DoP Planning Off	icer Contact Details			
Contact Name :	Cho Cho Myint			
Contact Number :	0298601167			
Contact Email :	chocho.myint@planning.nsw.gov.au			
RPA Contact Deta	iils			
Contact Name :	Megan Hill			
Contact Number :	0298292850			
Contact Email :	m.hill@liverpool.nsw.gov.au			
DoP Project Mana	ger Contact Details			
Contact Name :	Derryn John			
Contact Number :	0298601505			
Contact Email :	derryn.john@planning.nsw.gov.a	u		
Land Release Data	a			
Growth Centre :	N/A	Release Area Name :	N/A	
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	No	

	(mendment 31) - 1975 to 1985	Canden valley way, i i	6310113
MDP Number :	NA	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	5,300.00	No of Jobs Created :	170
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.		
Have there been meetings or communications with registered lobbyists? :	Νο		
If Yes, comment :	The Department's Lobbyist Contact Register has been checked on 18 July,2013, and there have been no records of contact with lobbyists in relation to this proposal.		
Supporting notes			
Internal Supporting Notes :	THE SITE		
	The site is located on the northern side of Camden Valley Way on the corner of Corfield Road, as shown in the attached location map. The site area is approximately 1.7 hectares and the street frontage is approximately 124 metres to Camden Valley Way and 119 metres to Corfield Road.		
	CURRENT USE		
	The current use of the site is for a landscape supplies and garden centre. There is a current Development Application for a service station, carwash, fast food premises and shops approved by Liverpool City Council in 2011.		
	The application seeks to make the development of a 4,100 sqm full line supermarket and 2,100 sqm small speciality shops.		
	EXISTING ZONE		
	The Land is zoned B6 Enterprise Corridor. Shops are currently permissible in the zone under the Liverpool LEP 2008, however, Clause 7.23 of the Liverpool Local Environmental Plan limits the size of any retail premises to 1600 sqm. The intention of this clause is to restrict retail and maintain the economic strength of centres by limiting the retail activity in out-of-centre locations.		
	The proposed 4,100 sqm superman seeks to rezone the site to B2 Loca There is no restriction for retail flo	al Centre Zone to best facilita	te the intended outcome.
	Relevant zoning maps and extract	s from Liverpool LEP 2008 an	e attached.
	DELEGATION		
	Council is not seeking an Authoris	ation to make the plan.	

External Supporting	URBAN GROWTH NSW	
Notes :	the proposal has made a Edmondson Park Town C Edmonson Park is a stati that rezoning of this land	aised concerns over the proposed rezoning. It does not believe proper assessment of the impact of the proposed rezoning on the Centre, which is 2.3 km away, and the community benefit. ion on the South West Rail Line. UrbanGrowth NSW has advised will set a very poor precedent and undermine the early nondson Park Town Centre and the planning for the South West
	private sector orgasnisat	advised that it is currently seeking expressions of interest for tions or consortia to deliver the first phase of the town centre by n Growth NSW dated 24 June, 2013, is attached.
	STRATEGIES AND LAND	RELEASE TEAM
	that the Hill PDA report (i envisage Prestons as a c	Release Team was consulted and the team has made comments May 2010) prepared for the South West Growth Centre did not entre. The report envisage Edmondson Park (expected 2026) as a village centre, anchored by two supermarkets with a sqm GLA.
	The Growth Centres DCP roads such as Camden V	2006 also does not envisage the provisions of centres on arterial alley Way.
	Comments from Strategie	es and Land Release Team dated 28 June, 2013, is attached.
equacy Assessme	ent	
Statement of the o	bjectives - s55(2)(a)	
Is a statement of the	objectives provided? Yes	
Comment :	Council advises that the objective of the planning proposal is to facilitate the development of a full line supermarket (approximately 4,100 sqm) and speciality retail shops (approximately 1,200 sqm).	
Explanation of pro	visions provided - s55(2)(b)
Is an explanation of p	rovisions provided? Yes	
Comment :	application of Clause 3 land which restricts gr	rom B6 Enterprise Corridor to B2 Local Centre Zone will remove the 7.23 of the Liverpool Local Environment Plan (LEP) 2008 from the ross floor area of the retail premises to 1,600 sqm. The proposed B2 Iditional uses such as residential flat buildings, medical centres and o the land.
		amend the current Liverpool Local Environmental Plan 2008 land and LZN-009) for the subject land from B6 Enterprise Corridor to B2
	No other changes to the	he instrument or maps are proposed.
Justification - s55	(2)(c)	
a) Has Council's strat	egy been agreed to by the Di	rector General? No
b) S.117 directions ide		1.1 Business and Industrial Zones
* May need the Direct	or General's agreement	3.4 Integrating Land Use and Transport 5.8 Second Sydney Airport: Badgerys Creek 6.1 Approval and Referral Requirements

Is the Director General'	s agreement required? Y	es		
c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes				
d) Which SEPPs have the	RPA identified?	SEPP No 33—Hazardous and Offensive Development SEPP No 55—Remediation of Land SEPP (Exempt and Complying Development Codes) 2008 SEPP (Infrastructure) 2007		
e) List any other matters that need to be considered :	The planning proposa Council's planning pro	l is not inconsistent with any of the SEPPs identified in the oposal.		
	In terms of SEPP No 55 - Remediation of land, the preliminary contamination assessment, attached, has identified some areas being of environmental concerns because of the past use as market gardening/nursery and imported fill. The assessment recommended the necessary steps to undertake a sampling and testing programme in accordance with the DECCW Guidelines for the proposed development.			
Have inconsistencies with	items a), b) and d) being a	adequately justified? No		
If No, explain :	1.1 BUSINESS AND IN	IDUSTRIAL ZONE		
	opportunities, howeve opportunity for start u identified centres in th	I does not reduce business zoned land and employment er, the additional retail uses at this location may reduce the up businesses and impact on the economic strength and viability of ne area (i.e. Carnes Hill, Prestons neighbourhood centre, the mden Valley Way and the proposed Edmondson Park town centre).		
	not identified for retai also not consistent wi which considered that	tion along Camden Valley Way will promote businesses the site is I in any of the strategies approved by the Director General. It is ith Council's own Liverpool Retail Centres Hierarchy Review 2012, t a supermarket in this location should not be supported, due to stons neighbourhood centre and the impact on the development of centres.		
	issued, a peer review (EIA) prepared by Mac	I has recommended that should a Gateway determination be be undertaken of the proponent's Economic Impact Assessment croPlanDimasi, after the public exhibition, to enable the economic I. See relevant sections below.		
	General and is incons	accordance with a strategy that is approved by the Director istent with the requirements of the direction. It is considered that In the direction is yet to be justified and the Director General's red.		
	3.4 INTEGRATING LAI	ND USE AND TRANSPORT		
	amount of business zo	I facilitates a rezoning from one business zone to another. The oned land is unchanged. The site is along a major road with buses which provide connections throughout Liverpool.		
	location will serve pas	relopment, it is expected that a full line supermarket in this using traffic, and a larger catchment than the immediate majority of the customers are expected to access the site by car.		
	considered to be alrea neighbourhood centre Edmondson Park Tow centres, and undermir facilities (i.e. South Wo	d alone and out-of-centre location. It is within an area which is dy well serviced in the vicinity of Carnes Hill, Prestons , the proposed ALDI on Camden Valley Way and the proposed n Centre. The proposal may impact on the viability of these e considerable government infrastructure investment and est Rail Line). The proponent's EIA has not addressed the impact he opposite side of Camden Valley Way and Edmonson Park Town		

There are some limited bus services, but these do not provide the higher level of service expected of a centre.

The planning proposal also states that the proposal does not demonstrate net community benefit. See net community benefit test in the planning proposal.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

The proposed rezoning will not reduce the employment opportunities and will preserve this land use. It is likely to generate some 170 jobs, contributing to the 9,000 additional jobs expected of Liverpool Regional City in the draft Metropolitan Strategy for Sydney to 2031 (page 95).

Objective 15: PROVIDE FOR A GOOD SUPPLY OF RETAIL SPACE, of the draft strategy supports new centres and states that centres of all sizes will be the primary location of retail, at a scale reflecting the level of public transport accessibility. The draft strategy further makes comments on retailing on major roads as catalysts to revitalise high traffic areas, but this retail should not reduce road efficiency or increase congestion or road safety risks, and should contribute to the function of existing and planned centres.

The Planning Proposal fails to meet the objectives in the draft strategy as it intends to establish a 5,300 sqm supermarket/shops in an out-of-centre location without appropriately demonstrating why the development cannot be accommodated in existing or planned centres. The proposal does not adequately explain its likely impact on or contribution to the function of existing and planned centres.

THE DRAFT SOUTH WEST SUBREGIONAL STRATEGY (draft SWSRS)

Objective B4.1 of the draft regional strategy requires Council to "concentrate retail activity in centres, business development zones and enterprise corridors." (p67)

Action SWB4.1.1 states that:

Retail will generally be located in commercial core and mixed use zones in centres... The inclusion of measures to prevent retail activities in other areas will provide certainty for investors in office and retail in centres and ensure that ad-hoc 'out of centre' development does not have additional cost impacts for Government and the community. (p67)

The proposal is inconsistent with the draft strategy as it is an out-of-centre location and the EIA has not comprehensively addressed/analyse the likely impacts and cost for government and community. The site is not identified as a local centre in the draft South West Subregional Strategy within Liverpool (page 52).

DRAFT CENTRES POLICY 2009

The underpinning objective of the six principles of the Draft Centres Policy (2009) is for retail and commercial activity to 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.

The removal of retail restriction in this location is not consistent with the policy as it may undermine the economic strength/viablility of nearby existing and planned centres.

Under the current zoning of the site, the applicant is permitted to develop up to 1,600 sqm of retail floorspace. This restriction is consistent with the draft centres policy to regulate the location and scale of retail development outside centres, along major road corridor locations.

	LIVERPOOL RETAIL HIERARCHY REVIEW(2012)
	The Liverpool Retail Hierarchy Review prepared by Hill PDA was adopted by Council at its meeting on the 28 November, 2012.
	The Review states that Liverpool LGA is undersupplied by some 20,500sqm of retail floorspace in 2011. However, the Review concludes that there is generally sufficient land zoned for retail purposes and does not predict significant need for additional supermarket facilities or supermarket based centres in this location in the foreseeable future.
	Council has advised that should a Gateway determination be issued, it is recommended that prior to public authority consultation and public exhibition, a peer review be undertaken of the proponent's Economic Impact Assessment prepared by MacroPlanDimasi. This is considered necessary to enable Council and the public the ability to assess the document against the Liverpool Retail Hierarchy Review 2012, as the methodologies for calculating the economic impact will be validated.
	ECONOMIC IMPACT ASSESSMENT
	The applicant has provided an EIA prepared by MacroPlanDimasi (March 2013) that analyses the cumulative impacts of other planning proposals and recently adopted amendments to the Liverpool LEP 2008. These proposals include a rezoning to facilitate a supermarket at 607-611 Hume Highway, Casula and the recently approved Costco development at Beech Road, Casula.
	The EIA stated that the proposal should be supported for the following reasons:
	 There is uncertainty when Edmondson Park Town Centre will be opened to public; The general area is acknowledged as lacking in retail supply in Council's Retail Hierarchy (although this study recommends against a supermarket on this site for other reasons); The proponent has supplied modelling showing that the supermarket will service existing shortfall in supply (i.e. not Edmondson Park); and The proponent claims the supermarket chain will locate here and in Edmondson Park Town Centre when opened.
	The EIA analysis does not address Edmonson Park as MacroPlanDimasi consider that this development will be longer term, not commencing until 2016 - 2021. However, recent advice from Urban Growth NSW indicates that the first phase of Edmonson Park Town Centre will be developed by 2016.
	The applicant also disputes the retail turnover density (RTD) applied in the Liverpool Retail Hierarchy Review 2012. In doing so, and using a different methodology, their conclusions are incompatible with the adopted Liverpool Retail Hierarchy Review 2012.
	The EIA is considered deficient as the analysis is not comprehensive. There is no analysis of the approved ALDI supermarket nor the Edmonson Park Town Centre. This analysis needs to be completed prior to public exhibition to ensure that a more complete picture is provided of the potential economic impact of the proposal.
Mapping Provided - s5	5(2)(d)
Is mapping provided? Yes	
Comment :	Apart from the zoning maps (LZN 008 and 009), no other map changes are proposed.

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Community consult	ation - s55(2)(e)
Has community consult	ation been proposed? Yes
Comment :	Council considered that the requirements for community consultation will be stipulated by the Gateway determination.
Additional Director	General's requirements
Are there any additional	Director General's requirements? No
If Yes, reasons :	
Overall adequacy of	the proposal
Does the proposal meet	the adequacy criteria? No
If No, comment :	See strategic considerations above.
Proposal Assessment	
Principal LEP:	
Due Date :	
Comments in relation to Principal LEP :	The Liverpool LEP 2008 is a Principal Standard Instrument LEP.
Assessment Criteria	ı
Need for planning proposal :	The current zoning does not allow the retail development of 5,300 sqm. Rezoning to B2 will remove the current restriction of 1,600 sqm for B6 Zones under Clause 7.23 of the Liverpool LEP 2008.

Consistency with strategic planning	SUMMARY
framework :	The site is not specifically identified as a centre within State or regional strategic directions.
	The planning principles adopted in the draft Metropolitan Strategy, Draft Subregional Strategy, Integrating Land Use and Transport policy and the Draft Centres Policy all favour strengthening and expanding existing centres to accommodate market demand before creating a new centre or supporting an out-of-centre retail development.
	The planning proposal will enable substantial amount of retail floor space to be permissible in an out-of-centre location without a comprehensive justification of the impact on and viability of the existing or planned centres. The proposal is therefore incompatible with the abovementioned plans and policies.
	The Liverpool Retail Centres Hierarchy Review 2012 does not support a supermarket in this location due to the impact on the Prestons neighbourhood centre and the impact on the development of zoned future centres (i.e. Edmonson Park). It is in an out-of-centre location and has not been supported by the study. Council has resolved to prepare an independent impact assessment (peer review) to verify economic impacts and to determine the acceptability of the proposal after getting a Gateway decision and after public exhibition. Council has verbally advised that this will allow Council to consider the peer review and the submissions together, and will give a more comprehensive picture of the proposal and its likely impacts.
	Council is also of the view that the impact on the establishment and success of the Edmondson Park Town Centre, associated with the train station, is expected to be significant. The government has spent substantial funds planning for and constructing the South West Rail Link, which includes the Edmondson Park train station. Undermining the establishment of a new centre in this location is undermining the success of the new growth precinct/transit oriented development and the public transport infrastructure in the locality.
	The EIA by MacroPlanDimasi has failed to consider whether the planning proposal will have an acceptable level of impact on the establishment of the Edmondson Park Town Centre (see Table 6.3 of the EIA). It is considered that the EIA needs to be expanded to further investigate and analyse the impact of all the preceding proposals (including Edmondson Park Town Centre and Aldi).
	URBAN GROWTH NSW
	Urban Growth NSW met with the Department and has raised concerns over the proposed rezoning. UrbanGrowth NSW does not believe the proposal has made a proper assessment of the impact of the proposed rezoning on the Edmondson Park Town Centre, which is 2.3 km away, and the community benefit. Rezoning of this land will set a very poor precedent and undermine the early establishment of the Edmondson Park Town Centre and the planning for the South West Growth Centres. See map attached showing existing and planned centres in the surrounding area.
	STRATEGIES AND LAND RELEASE TEAM
	Strategies and Land Release Team was consulted (comments attached). The SLR Team stated that the Hill PDA report (May, 2010) prepared for the South West Growth Centre addressed the retail hierarchy and Prestons was not envisaged as a centre. The report envisaged Edmondson Park (expected population of 23,000 by 2026) as a village centre, anchored by two supermarkets with a shop front area of 20,000 sqm GLA. The Growth Centres DCP 2006 also does not envisage the provisions of centres on arterial roads such

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	The Council officer's report considered by Council in May 2013 acknowledges not only the impact in which the proposed centre will have on the Preston Shopping Village but also to other surrounding precincts.
	Council on 29 May, 2013 (and confirmed on 26 June, 2013) recommended that the applicant:
	 provide an updated Economic Impact Assessment that reflects the economic impact of the proposed development on the planned Edmondson Park Town Centre, based on a timetable for its development being provided by Urban Growth and the proposed ALDI supermarket on Camden Valley Way; provide a sequential test demonstrating site suitability as outlined in The Right Place for Business and Services – Planning Policy; and undertake a peer review of the applicants updated Economic Impact Assessment.
	Council considered that these studies should be completed POST EXHIBITION so that Council will be able to consider along with the submissions.
	Council does not seek to use DELEGATIONS for the planning proposal because of the number of recent controversial retail proposals (i.e. Orange Grove, Casula) and is worried about the cumulative impacts of these proposals, and the need to have a consistent approach/decision from a single authority.
	Council has advised that it has received an objection letter from GATT & Associates, acting on behalf of Prestons Shopping Village, less than 1.5 km from the proposed site. The letter raised concerns that the rezoning will have a detrimental viability impact on Prestons Shopping Village (1500 sqm with 415 sqm supermarket and 14 other speciality shops).
Environmental social economic impacts :	These impacts are discussed in the strategic directions.

Assessment Process

Proposal type :	Inconsistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Department of Trade and Investment Transport for NSW Transport for NSW - Roads and Maritime Services Adjoining LGAs Other		
Is Public Hearing by the	PAC required? No		
(2)(a) Should the matter	proceed? No		
If no, provide reasons :	The EIA by MacroPlanDimasi h Town Centre or the nearby Ald		nalyse the Edmondson Park
	It is considered that the EIA ne comprehensive economic anal		
Resubmission - s56(2)():Yes		
If Yes, reasons :	After the additional EIA is carri	ed out.	
Identify any additional s	Identify any additional studies, if required. :		
Other - provide details below			

If Other, provide reasons :

see discussions on impacts on centres.

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 :

Documents

Document File Name	DocumentType Name	Is Public
Acoustic_Report.pdf	Proposal	Yes
Amended_Planning_Proposal_July_2013.pdf	Proposal	Yes
Application_for_rezoning.pdf	Proposal	Yes
Cadastre.pdf	Мар	Yes
Concept_Plan.pdf	Drawing	Yes
Contamination_Report.pdf	Study	Yes
Council_Meeting_Report_29_May_2013.pdf	Proposal	Yes
Council_Recommendation.pdf	Proposal	Yes
Cover_Letter.pdf	Proposal Covering Letter	Yes
Economic_Impact_Assessment.pdf	Study	Yes
Net_Community_Benefit_Test.pdf	Proposal	Yes
Owners_consent_letter.pdf	Proposal	Yes
Planning_Proposal_by_proponent.pdf	Proposal	Yes
Planning_Proposal_by_proponent.pdf	Proposal	Yes
Political_Donations_and_gifts_disclosure_statement.pdf	Proposal	Yes
Rezoning_Application.pdf	Proposal	Yes
Salinity_Assessment.pdf	Study	Yes
Traffic_Report.pdf	Study	Yes
Economic_Impact_Assessment.pdf	Study	Yes
Letter_from_Gat_Associates_on_behalf_of_Prestons_co mmunity_centre.pdf	Determination Document	No
Comments_from_Strategic_Lands.pdf	Determination Document	No
Comments_from_Urban_Growth_NSW.pdf	Determination Document	No
Current_zoning_map.pdf	Мар	Yes
Zoning_extracts_from_LEP.pdf	Determination Document	Yes
Site_location_maps.pdf	Мар	Yes
Map_showing_surrounding_centres.pdf	Мар	Yes
Clause_7.23_of_Liverpool_LEP_2008 .pdf	Proposal	Yes

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 5.8 Second Sydney Airport: Badgerys Creek 6.1 Approval and Referral Requirements 7.1 Implementation of the Metropolitan Plan for Sydney 2036
Additional Information :	It is considered that the proposal should not proceed until the EIA is expanded to further investigate and analyse the impact on all the surrounding centres, particularly the Edmondson Park Town Centre and the approved Aldi supermarket. To be resubmitted to the Department for further consideration at this time.
	It is also considered that Council needs to consult Urban Growth NSW as part of the agency consultation.
Supporting Reasons :	The current EIA is inadequate as it doesn't address all the nearby centres and

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	supermarkets. Council has advised that the planning proposal is to be consulted with public agencies and exhibited in November - December, 2013.	
	It is important that the planning proposal provide a comprehensive EIA analysis of all relevant centres to enable proper consideration by the agencies, industry and the general public.	
Signature:	Derryn John	
Printed Name:	DERRYN JOHN Date: 26 JULY 2013	