



Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Brendon Roberts

**STATE SIGNIFICANT DEVELOPMENT 6407 – 185 & 195 FIFTEENTH AVENUE, WEST HOXTON
RESPONSE TO SUBMISSIONS**

Dear Brendon,

Reference is made to the submissions received by the Department of Planning & Environment (DP&E) in relation to the Statement Significant Development Application (SSDA) 6407 for 185 & 195 Fifteenth Avenue, West Hoxton.

The Environmental Impact Statement (EIS) and accompanying documentation lodged for this application was placed on public exhibition until 27 November 2015 and made available on the DP&E website. During this period a number of submissions were received by government agencies and the public.

The accompanying Response to Submissions (RTS) has been prepared by Willowtree Planning on behalf of Western Sydney Parklands Trust (WSPT), and is submitted to the DP&E in support of a staged commercial precinct. The RTS Report responds to, and addresses, the submissions received following the public exhibition of the proposal.

As outlined below this letter also addresses the five (5) public submissions received for the application which support the submission prepared by Michael Brown Planning Strategies (MBPS).

Michael Brown Planning Strategies Submission (26 November 2015)

South West Growth Area – Leppington & Austral Release Area

Michael Brown Planning Strategies (MBPS) identifies the land as being within a number of planning documents including the Sydney Metropolitan Plan (A Plan for Growing Sydney) and the Growth Centres. MBPS states that *the subject land is not nominated in the South West Growth Centres (SWGC) planning documents or the Metropolitan Strategy for retail and commercial uses.*

Furthermore MBPS identifies the development being reliant on attracting its retail catchment from other centres and does not have an existing customer base. In relation to this MBPS states that *the development of the West Hoxton Precinct needs to be considered from a number of aspects having regard to existing landuses within the immediate area and that proposed by the South West Growth Centres.*

In response to this matter raised by MBPS the following is provided.

A Plan for Growing Sydney / Sydney Metropolitan Plan: As previously addressed in Section 4.3 (Regional Planning Context) of the EIS, the proposal is considered to achieve the objectives of A Plan for Growing Sydney. A Plan for Growing Sydney emphasises the need to implement The Western Sydney Parklands Plan of Management. These requirements of the Plan of Management have been addressed in Section 4.4.5 of the EIS.

The Western Sydney Parklands Plan of Management includes details on proposed and future Business Hubs and other revenue generating opportunities that secure the long term, sustainable revenue base that is required for development, maintenance, programs and activities in the Parklands. It is business hubs such as the one proposed that enable the Western Sydney Parklands Trust to achieve their functions over the long term and subsequently achieve the objectives and strategies of A Plan for Growing Sydney.

Further to the above, the EIS outlines how the proposal achieves the relevant strategies of A Plan for Growing Sydney including:

- 1.4. Transform the productivity of Western Sydney Through Growth and Investment;
- 1.6. Grow Strategic Centres – providing more jobs closer to home; and
- 3.1. Revitalise Sydney's existing suburbs.

Section 4.3 of the EIS also addresses the Draft South West Subregional Strategy in which the subject site is located. This strategy sets out broad directions for economic growth in the South West Subregion over the next 25 years and identifies a series of objectives and actions to support employment and prosperity.

As outlined in the EIS, the proposal is considered to be consistent with these directions as it will not detract from Liverpool as Sydney's future regional CBD and is considered to play a supporting role to the development of the Liverpool CBD and other surrounding centres. Further to this, the proposal includes significant employment benefits which will strengthen the Liverpool LGA as a key independent commercial centre.

Growth Centres:

It is acknowledged that the subject site is contained within the South West Growth Centres and is therefore subject to the *Statement Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Furthermore, it is acknowledged that pursuant to Clause 6(1) of the Growth Centres SEPP and Clause 6(3) of the *State Environmental Planning Policy (Western Sydney Parklands) 2009* the Growth Centres SEPP prevails to the extent of any inconsistency.

There are no inconsistencies identified between the abovementioned SEPPs in relation to the subject site and proposal.

MBPS's makes comment that *the subject land is not nominated in the South West Growth Centres (SWGC) planning documents or the Metropolitan Strategy (A Plan for Growing Sydney) for retail and commercial uses*. This statement is partially true as the subject site is unzoned, is not subject to a Precinct Plan and has no specific controls related to it under the Growth Centres SEPP. The reason for this is that the site and surrounding lands within the Parklands are largely reliant in the Western Sydney Parklands SEPP. The proposal is therefore not subject to any land use permissibility requirements under the Growth Centres SEPP.

MBPS's above statement regarding the land not being nominated for retail and commercial uses under the *Metropolitan Strategy* (A Plan for Growing Sydney) is not justified. As outlined above A Plan for Growing Sydney encourages the implementation of The Western Sydney Parklands Plan of Management. The Western Sydney Parklands Plan of Management includes details on proposed and future Business Hubs and other revenue generating opportunities that secure the long term, sustainable revenue base that is required for development, maintenance, programs and activities in the Parklands.

MBPS's also states the South West Growth Centres *shows land on the opposite side (Fifteenth Avenue) as a Centre* and that *the development of the West Hoxton Precinct needs to be considered from a number of aspects having regard to existing landuse within the immediate area and that proposed by the South West Growth Centres*.

As illustrated in **Figure 1** below, the land opposite the subject site on Fifteenth Avenue is not identified as a 'Major Centre', a 'Town & Village Centre', or a 'Walkable Neighbourhood' within the South West Growth Centre Structure Plan. The land opposite the site is within the 'Mixed Use Employment Corridor' as too is part of the subject site. It is considered unreasonable that the application would not be supported on the basis that the land directly to the south, being on a major transport corridor, has been identified for employment purposes.

Notwithstanding the above, it is considered reasonable to conclude that the proposal has adequately acknowledged and addressed the existing and future commercial centres throughout and surrounding West Hoxton as outlined in MacroPlan Disami's Economic & Community Impact Report.

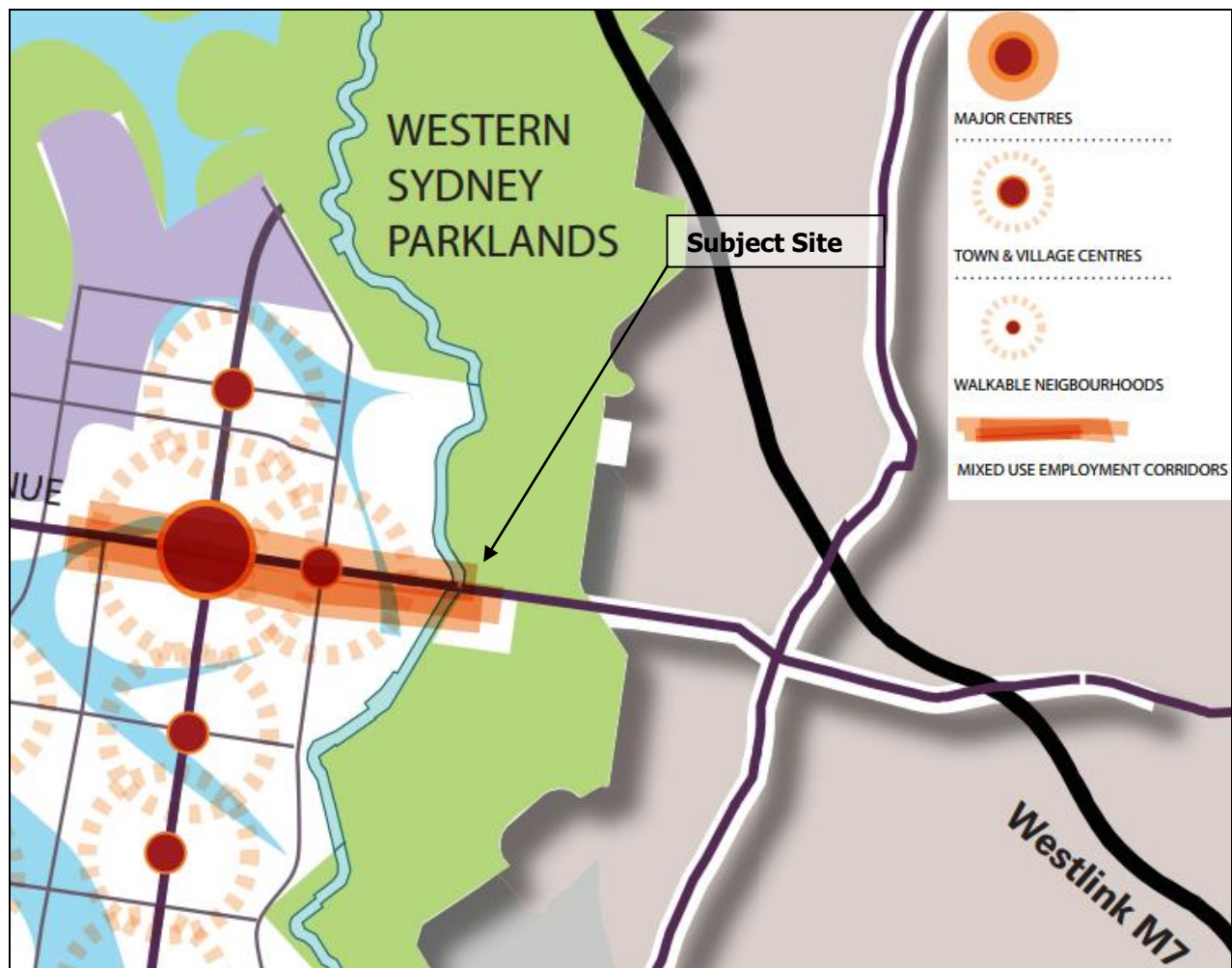


Figure 1: South West Growth Centre Structure Plan

MBPS raises concern over the proposal relying on attracting its retail catchment from surrounding centres, in particular the Austral Town Centre. Table 5.8 of MacroPlan Disami's Economic & Community Impact Report provides estimates of the impacts of the proposal on existing and planned centres in the vicinity of the subject site. It finds that the impact on the existing West Hoxton Shopping Centre would be in the vicinity of a 10% loss (the most of all surrounding centres) of sales in the 2019/20 financial year. Further to this the impact on the Austral Town Centre is expected to be less than 2.5% of expected sales.

As outlined in the Economic & Community Impact Report and reiterated by Liverpool City Council, the locality of Austral is expected to grow significantly, providing a large increase to the scale of demand for retail in the vicinity. On this basis it is considered reasonable to conclude that the proposal adequately meets the future retail demand for the area and will not significantly impact the existing centres within the area.

In light of the above, the proposal is considered to achieve the requirements of Clause 16 of the Growth Centres SEPP.

Further to the above, MacroPlan Dimasi have prepared a response in **Appendix 10** of the RTS which addresses the matters raised by MBPS. It is important to note that an economic consultant did not provide an input into the MBPS submission.

MacroPlan Dimasi outlines that the MBPS submission makes clear that the scale of the impacts are not being questioned, merely that it considers there to be an issue with *potential economic impacts on existing centres*.

MacroPlan Dimasi concludes that *every new retail development draws business, to some extent, from other centres/retailers*. However, it is *the degree to which new developments impact other centres is what is of importance*. MacroPlan Dimasi's analysis indicates that the impacts are expected to be within the appropriate levels (5% - 10% on the closest centres at West Hoxton and Austral).

Permissibility and Land Use

While referencing the EIS, MBPS claims the *permissibility of the proposal is based on the fact that the development will financially support the functions of the Trust and provide employment*. Whilst this is an accurate statement by MBPS, it is pertinent to consider this in the context of the aims of the *Western Sydney Parklands SEPP 2009* (the SEPP) and the functions of the Trust specified in the *Western Sydney Parklands Act 2006*.

As outlined in Part 3 of the *Western Sydney Parklands Act* the functions of the Trust include the provision of significant ecological and community benefit including:

- a) *to conserve, restore and enhance the natural environment of the Parklands, including through the protection of remnant bushland and the restoration of vegetation or revegetation,*
- b) *to conserve, restore and enhance the cultural and historical heritage of the Parklands, including its indigenous heritage and its scenic qualities,*
- c) *to provide or facilitate the provision of a diverse range of recreational, entertainment and tourist facilities and opportunities in the Parklands, such as major sporting facilities, private amusement and recreational attractions and accommodation,*
- d) *to cater, at a regional level, for a diverse range of community interests, organisations and groups, including through the provision of facilities such as multi-use community halls,*
- e) *to facilitate the use of the Parklands to meet community health needs and provide opportunities for, and encourage, activities that promote health and well-being in the community,*
- f) *to encourage and promote public access to and use and enjoyment of the Parklands where appropriate,*
- g) *to facilitate and promote the use of the Parklands for education and research (such as scientific research), including the provision of facilities for these purposes (such as camping facilities, learning centres and accommodation),*
- h) *to ensure that government agencies and State owned corporations continue to have access to major service infrastructure within the Parklands,*
- i) *to maintain the rural character of parts of the Parklands by allowing sustainable agriculture, horticulture or forestry in the Parklands,*
- j) *to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parklands.*

Furthermore it must be noted that the land in ownership of the Trust is not to be sold and is to remain in ownership of the Trust for ongoing management which will ensure that the functions of the Trust and aims of the SEPP can be achieved and maintained.

Given the SEPP does not provide a land use table as per the standard instrument, land use permissibility within the Parklands is therefore reliant on the aims of the SEPP being achieved. MBPS claims that the proposal does not address how aim (b) of the SEPP is achieved being:

- b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney,*

A Plan for Growing Sydney has replaced the Metropolitan Strategy and was previously addressed in section 4.3.1 of the EIS. Table 9 within the EIS specifically outlines the relevant key directions and strategies identified in *A Plan for Growing Sydney* and the proposal's consistency with these.

Furthermore the section 4.3.2 of the EIS addresses the *Draft South West Subregional Strategy* and the broad directions set out for the subregion over the next 25 years. In this section of the EIS it is explained how the proposal will contribute to the growth and prosperity of Liverpool as a key independent commercial centre that will also provide jobs for future workers and residents planned for the area and will contribute to trade and investment in the area.

Given the development's demonstrated consistency with the Metropolitan Strategy (*A Plan for Growing Sydney*), the proposal is considered to achieve aim (b) of the SEPP.

In light of the above it is considered reasonable to conclude that whilst the proposal will financially support the functions of the Trust, these functions will provide significant ecological and community benefit throughout the Parklands and to those residing within the locality. The proposal is therefore considered to demonstrate permissible development.

Further to the above, the remaining aims of the SEPP are considered to be achieved by the proposal as addressed in **Table 1** below:

Table 1: Western Sydney Parklands SEPP aims	
SEPP aim	Comment
<i>(a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</i>	Whilst the Western Sydney Parklands Trust are mindful of supporting and providing future recreational, entertainment and tourist facilities, this proposal is geared towards providing commercial and employment benefits. The proposal does not hinder the provision of recreational, entertainment and tourist facilities in more suitable locations throughout the parklands in the future.
<i>(b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and</i>	As discussed above, the proposal includes the provision of several nominated commercial and retail uses within the majority of the proposed lots which are considered to provide significant social and economic benefits to western Sydney in accordance with <i>A Plan for Growing Sydney</i> . As outlined in MacroPlan Disami's Economic & Community Impact Report, the estimated employment impacts include a potential 130 jobs on site as well as an estimated 120 constructions jobs per year the construction of the development.
<i>(c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</i>	The proposal has carefully considered a number of existing and forecasted government infrastructure upgrades including the widening of Fifteenth Avenue and the protection of the Upper Canal corridor and associated infrastructure.
<i>(d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</i>	As outlined in Lesryk's Flora & Fauna Report, the proposal will not result in any significant impact on the long term viability of the identified species populations within the site.

<i>(e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and</i>	Dominic Steele Consulting has addressed existing cultural and historical heritage of the site and its surrounds in their Aboriginal & Archaeological Assessment. Dominic Steele Consulting considers the potential impact on the Kirkpatrick-Boylard Park and Sydney Water Canal and concludes that the proposal is unlikely to have an adverse impact on these heritage items.
<i>(f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and</i>	Although the subject site is proposed to be development for commercial purposes, the Western Sydney Parklands Trust has nominated large portions of land throughout the parklands for agriculture, horticulture and forestry purposes. The subject site has been nominated for commercial development due to its location and accessibility.
<i>(g) facilitating public access to, and use and enjoyment of, the Western Parklands, and</i>	The subject site is highly accessible via Fifteenth Avenue and the surrounding road hierarchy. The proposal does not restrict the on-going use and enjoyment of the surrounding areas of the parklands.
<i>(h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and</i>	The proposal is considered to meet the existing and future community needs through facilitating additional commercial land uses which will accommodate employment growth and retail demand.
<i>(i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and</i>	Whilst the Western Sydney Parklands Trust are mindful of supporting and providing future educational and research facilities, this proposal is geared towards providing commercial and employment benefits. The proposal does not hinder the provision of educational and research facilities in more suitable locations throughout the parklands in the future.
<i>(j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the <u>Western Sydney Parklands Act 2006</u>, and</i>	All lots contained within the subject site are owned by the Western Sydney Parklands Trust except for Lot 345 (185 Fifteenth Avenue) which is owned by the NSW Office of Strategic Lands. The use of this site does not affect the Trust's ability to carry out its functions as per section 12 of the <i>Western Sydney Parklands Act 2006</i> .
<i>(k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.</i>	The EIS has addressed the principles of ecologically sustainable development (ESD) as outlined in Clause 7(4) of the EPA Regulations. Furthermore Costin Roe have adopted the appropriate ESD measure for development as specified in their Civil Engineering Report.

In light of the above the proposal is considered to adequately achieve the aims of the *Western Sydney Parklands SEPP*.

Court matters provided by Michael Brown Planning Strategies

As outlined above the proposal is considered to adequately achieve the aims of the *Western Sydney Parklands SEPP* which has been demonstrated through the various consultant studies and assessments provided for the proposal.

Furthermore these court matters presented by MBPS relates specifically to zone objectives and land use permissibility as opposed to the aims of an environmental planning instrument. Zone objectives are applicable to specific lands for specific land uses. It is for this reason that the parklands have remained unzoned to enable flexibility of various land uses throughout.

The intent of the *Western Sydney Parklands SEPP* and its aims is to ensure that the parklands are developed, or not developed, to achieve a harmonious relationship between a range of land uses. As demonstrated above, the development of one site within the parklands cannot be expected to contain all land uses in which the parklands are intended to include. Development must however consider the existing and future land uses within the parklands and the potential impacts the proposal may have on these. As demonstrated in the proposal, the development is considered to achieve this.

These court matters presented by MBPS are therefore considered irrelevant to the proposal and its ability to achieve the aims of the SEPP.

Based on the information provided, we trust the Department of Planning & Environment are able to proceed with assessment of the subject application with a favourable determination.

In the interim, please do not hesitate to contact us if you require any further information.

Yours faithfully,



Thomas Cook
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