
**Assessment of consistency with Ministerial Directions
under Section 117(2) of the EP&A Act 1979**

(as issued by the Dept of Planning 29 November 2009)

**FAIRFIELD DRAFT LOCAL ENVIRONMENTAL PLAN 1994
(Amendment No. 125)**

This plan aims to permit 'hardware and building supplies' as an additional permitted use and includes associated floor space ratio controls on land known as 727 The Horsley Drive, Smithfield, being Lot 1, DP 541 457.

1. Employment and Resources

1.1 Business and Industrial Zones

Objectives

- (1) The objectives of this direction are to:
- (a) encourage employment growth in suitable locations,
 - (b) protect employment land in business and industrial zones, and
 - (c) support the viability of identified strategic centres.

Does this direction apply?

Yes, this Direction applies.

If yes, is the draft LEP consistent with the direction?

The proposed LEP amendment does not seek to reduce the existing zonings of land for industrial development, nor will it reduce the lands' employment potential. It is considered that the proposed LEP amendment will facilitate development that will increase employment over that would have otherwise been developed on the site currently. The proposed development is expecting to employ approximately 160 persons (operational jobs not including construction jobs).

Direction 1.1 – issued 1 July 2009

1.2 Rural Zones

Objective

- (1) The objective of this direction is to protect the agricultural production value of rural land.

Does this direction apply?

No, not applicable.

Direction 1.2 – issued 1 July 2009

1.3 Mining, Petroleum Production and Extractive Industries

Objective

- (1) The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Does this direction apply?

No, not applicable.

Direction 1.3 – issued 1 July 2009

1.4 Oyster Aquaculture

Objectives

- (1) The objectives of this direction are:
- (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,
 - (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.

Does this direction apply?

No, not applicable.

Direction 1.4 – issued 1 July 2009

1.5 Rural Lands

Objectives

- (1) The objectives of this direction are to:
- (a) protect the agricultural production value of rural land,
 - (b) facilitate the orderly and economic development of rural lands for rural and related purposes.

Does this direction apply?

No, not applicable.

Direction 1.5 – issued 1 July 2009

2. Environment and Heritage

2.1 Environment Protection Zones

Objective

- (1) The objective of this direction is to protect and conserve environmentally sensitive areas.

Does this direction apply?

No, not applicable.

Direction 2.1 – issued 1 July 2009

2.2 Coastal Protection

Objective

- (1) The objective of this direction is to implement the principles in the NSW Coastal Policy.

Does this direction apply?

No, not applicable.

Direction 2.2 – issued 1 July 2009

2.3 Heritage Conservation

Objective

- (1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Does this direction apply?

No, not applicable.

Direction 2.3 – issued 1 July 2009

2.4 Recreation Vehicle Areas

Objective

- (1) The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

Does this direction apply?

No, not applicable.

Direction 2.4 – issued 1 July 2009

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

Objectives

- (1) The objectives of this direction are:
- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
 - (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
 - (c) to minimise the impact of residential development on the environment and resource lands.

Does this direction apply?

No, not applicable.

Direction 3.1 – issued 1 July 2009

3.2 Caravan Parks and Manufactured Home Estates

Objectives

- (1) The objectives of this direction are:
- (a) to provide for a variety of housing types, and
 - (b) to provide opportunities for caravan parks and manufactured home estates.

Does this direction apply?

No, not applicable.

Direction 3.2 – issued 1 July 2009

3.3 Home Occupations

Objective

- (1) The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

Does this direction apply?

No, not applicable.

Direction 3.3 – issued 1 July 2009

3.4 Integrating Land Use and Transport

Objective

- (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:
- (a) improving access to housing, jobs and services by walking, cycling and public transport, and
 - (b) increasing the choice of available transport and reducing dependence on cars, and
 - (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and
 - (d) supporting the efficient and viable operation of public transport services, and
 - (e) providing for the efficient movement of freight.

Does this direction apply?

Yes, this Direction applies.

If yes, is the draft LEP consistent with the direction?

The proposed LEP amendment will facilitate the development of a Hardware and Building Supplies store at the subject site. Given the nature of the business, these stores are generally located in out of centre locations as the format and layout of these stores require large floor plates that are usually unavailable in Town Centre locations. Notwithstanding the above, the site is located approximately 220m from the Smithfield Town Centre and is located on a number of established bus route (along The Horsley Drive). However, it is considered that most of the customers of the proposed Hardware and Building Supplies business will travel by car. It is considered that the proposed LEP amendment is not inconsistent with this Direction.

Direction 3.4 – issued 1 July 2009

3.5 Development Near Licensed Aerodromes

Objectives

- (1) The objectives of this direction are:
- (a) to ensure the effective and safe operation of aerodromes, and
 - (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
 - (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Does this direction apply?

No, not applicable.

Direction 3.5 – issued 1 July 2009

4. Hazard and Risk

4.1 Acid Sulfate Soils

Objective

- (1) The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Does this direction apply?

No, not applicable.

Direction 4.1 – issued 1 July 2009

4.2 Mine Subsidence and Unstable Land

Objective

- (1) The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

Does this direction apply?

No, not applicable.

Direction 4.2 – issued 1 July 2009

4.3 Flood Prone Land

Objectives

- (1) The objectives of this direction are:
- (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
 - (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

Does this direction apply?

Yes, this Direction applies.

If yes, is the draft LEP consistent with the direction?

Overland flow as opposed to mainstream flooding has been identified as an issue for the site.

However, the existing provisions in the FLEP 1994 and associated City Wide DCP establishes a framework for dealing with flooding issues relevant to the Draft LEP. In this regard, the Draft LEP is considered consistent with the objectives of this direction.

Direction 4.3 – issued 1 July 2009

4.4 Planning for Bushfire Protection

Objectives

- (1) The objectives of this direction are:
- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
 - (b) to encourage sound management of bush fire prone areas.

Does this direction apply?

No, not applicable.

Direction 4.4 – issued 1 July 2009

5. Regional Planning

5.1 Implementation of Regional Strategies

Objective

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

Does this direction apply?

No, not applicable.

Direction 5.1 – issued 1 July 2009

5.2 Sydney Drinking Water Catchments

Objective

- (1) The objective of this direction is to protect water quality in the hydrological catchment.

Does this direction apply?

No, not applicable.

Direction 5.2 – issued 1 July 2009

5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Objectives

- (1) The objectives of this direction are:
- (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,
 - (b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and
 - (c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.

Does this direction apply?

No, not applicable.

Direction 5.3 – issued 1 July 2009

5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Objectives

- (1) The objectives for managing commercial and retail development along the Pacific Highway are:
 - (a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;
 - (b) to prevent inappropriate development fronting the highway
 - (c) to protect public expenditure invested in the Pacific Highway,
 - (d) to protect and improve highway safety and highway efficiency,
 - (e) to provide for the food, vehicle service and rest needs of travellers on the highway, and
 - (f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.

Does this direction apply?

No, not applicable.

Direction 5.4 – issued 29 November 2009

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)

Objective

- (1) The objective of this direction is to ensure that development in the vicinity of the villages of Ellalong, Paxton and Millfield is consistent with the Cessnock City Wide Settlement Strategy and the Lower Hunter Regional Strategy.

Does this direction apply?

No, not applicable.

Direction 5.5 – issued 1 July 2009

5.6 Second Sydney Airport: Badgerys Creek

Objective

- (1) The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.

Does this direction apply?

No, not applicable.

Direction 5.8 – issued 1 July 2009

6. Local Plan Making

6.1 Approval and Referral Requirements

Objective

- (1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

Does this direction apply?

No, not applicable as the Draft LEP is seeking to amend a clause 26 and Schedule 2 of the FLEP 1994 to allow 'Hardware and building supplies' as an additional permitted use. The Draft LEP is not proposing to alter any other provisions that may discourage the efficient and appropriate assessment of development.

Direction 6.1 – issued 1 July 2009

6.2 Reserving Land for Public Purposes

Objectives

- (1) The objectives of this direction are:
 - (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and
 - (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

Does this direction apply?

No, not applicable.

Direction 6.2 – issued 1 July 2009

6.3 Site Specific Provisions

Objective

- (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Does this direction apply?

Yes, this Direction applies.

If yes, is the draft LEP consistent with the direction?

In addition to allowing 'Hardware and Buildings Supplies' as an additional permitted use, the Bunnings have also requested to include a Floor Space Ratio requirement in the Draft LEP. This is not considered to be an unnecessarily restrictive control and accordingly is consistent with this Direction.

Direction 6.3 – issued 1 July 2009

7. Metropolitan Planning

7.1 Implementation of the Metropolitan Strategy

Objective

- (1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

Does this direction apply?

Yes, this Direction applies.

If yes, is the draft LEP consistent with the direction?

The Metropolitan Strategy identifies a need to protect existing employment lands, and identifies the need to protect existing employment lands for employment purposes in order to achieve employment capacity targets. While the Metro Strategy identifies the Smithfield and Wetherill Park Industrial Area as strategically important, Clause B4.1.2 also indicates that *"Retailing in industrial areas will be limited to that which is ancillary to the industrial use or has operating requirements or demonstrable off site impacts akin to industrial uses (such as building and hardware, plumbing and nurseries)"*.

The Draft West Central Sub Regional Strategy which is intended to be the implementation tool for the Metro Strategy provides employment targets of 15,000 additional jobs to be accommodated within the Fairfield LGA. It is considered that the proposed amendment to the LEP will not have an affect on the availability of existing zoned land as it is seeking to retain the existing General Industrial 4A zone. The proposed amendment will allow an additional permitted use (Hardware and Building Supplies) on the site which will employ approximately 160 people (operational jobs, not including construction jobs) and is considered to be a greater employment generating activity than if the site was developed for more traditional industrial/warehouse uses.

Based on the above, it is considered that the proposed LEP amendment is consistent with this Direction.

Direction 7.1 – issued 1 October 2009