

Planning Proposal

The Horsley Drive, Smithfield

*Draft Fairfield Local Environmental Plan 1994
Amendment No 125*

BACKGROUND

Council has received a *Gateway Planning Proposal for Hardware and Building Supplies Warehouse at The Horsley Drive, Smithfield*, prepared by Colston Budd Hunt and Kafes Pty Ltd . The proposal seeks to amend the Fairfield LEP to permit ‘hardware and building supplies’(Bunnings) as additional development under Clause 26 and Schedule 2 of the LEP on land known as Lot 1 DP 541457 No. 727 The Horsley Drive, Smithfield.

A map of the subject site is shown in Appendix A.

The site is zoned General Industrial 4A . As the proposed development is considered to be most appropriately defined as a ‘bulky goods premises’ under the current LEP 1994, the proposed use is not considered to be a permissible use on the subject site.

At its meeting on the 27 April 2010, Council considered a report on the assessment of the proposed amendment to the Fairfield LEP to enable a Bunnings to locate on the site. Council resolved to inform the Department of Planning that it wishes to commence the Gateway Determination Process to amend the Fairfield LEP to permit ‘hardware and building supplies’ as a use permissible with Council consent. Accordingly, this Planning Proposal has been prepared to permit the above uses on the subject site.

Part 1 – Objectives

To permit, with development consent ‘hardware and building supplies’ on the subject site as an additional permitted use (pursuant to Clause 26 – Development for certain additional purposes) by amending Schedule 2 – Additional Development of the FLEP 1994.

Part 2 – Explanation of provisions

Amendment of the FLEP 1994 by:

1. Amend Schedule 2 – Additional Development to include the following:

Lot 1, DP 541457

727 The Horsley Drive, Smithfield

‘Hardware and Building Supplies’ with two trading levels and a floor space ratio not exceeding 1:1.

In this item, ‘hardware and building’ supplies means a building or place used for the display, sale (whether by retail or wholesale) or hire of goods or materials that are used in or ancillary to the construction, improvement, maintenance and use of buildings and adjacent outdoor areas whether or not landscape and garden supplies are sold on the premises”.

The land to which this amendment applies is shown in Appendix A.

Part 3 – Justification

Section A – Need for a planning proposal.

1. <i>Is the planning proposal a result of any strategic study or report?</i>	No. This planning proposal is a result of a proposal from Bunnings seeking to amend the LEP to enable ‘hardware and building supplies’ to be permitted on the site. Accordingly, Council at its meeting on the 27 April 2010, resolved to permit ‘hardware and building supplies’ on the subject site and commence the Gateway Determination Process.
2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	Yes. The planning proposal to allow ‘hardware and building supplies’ as an additional permitted use on the subject site only, whilst retaining the existing 4A zoning is considered to be the best means for achieving the intended outcomes. Amending the current zoning of the site to Special Industrial 4C which will permit ‘bulky goods premises’ is not considered to be a practical option as a rezoning will allow for a range of bulky goods on the site in addition to the proposed hardware and building supplies business. Furthermore, it also considered that retaining the current General Industrial 4A zoning and permitting bulky goods premises across all of the 4A zones would not be a desirable planning outcome. Accordingly it is considered that the proposed LEP amendment as detailed in the Planning Proposal is the best means of achieving the intended outcomes.
3. <i>Is there a net community benefit?</i>	Yes. It is considered that the proposal will have an overall impact on improving the availability of goods, services and facilities to the local community. Furthermore, it is considered the proposal will generate significant employment generation of approximately 160 jobs in the area (not including construction jobs) and is likely to have flow on effect benefiting the nearby industrial area and Smithfield Town Centre.

Section B – Relationship to strategic planning framework.

4. <i>Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?</i>	Yes. The planning proposal is consistent with the objectives of the Sydney Metropolitan Strategy and draft West Central Sub Regional Planning Strategy. The Metro Strategy identifies the need to protect existing employment lands, and identifies the need to protect existing employment lands for employment purposes. The Strategy also identifies the Smithfield and Wetherill Park Industrial Area as strategically important. The Draft West Central Sub Regional Strategy further identifies the Smithfield Industrial area as Category 1 – Land to be retained for Industrial Purposes. Given the industrial processes that are carried out at Bunnings, and the large areas required for storage and heavy vehicle/service vehicle movements, it is considered that these facilities also carry out a range of activities and have operational requirements consistent with industrial development. Furthermore, the employment generation arising from the development of the site for a Bunnings is likely to be much higher than if the site was used for the purposes of a warehouse or other general industrial use.
5. <i>Is the planning proposal consistent with the local Council's community strategic plan, or other local strategic plan?</i>	Yes. The Employment Lands Strategy 2008 provides the future direction for all industrial zoned land in the LGA and provides recommendations on what to zone existing industrial land as part of the preparation of the Comprehensive LEP. The Strategy originally recommended that the area the subject site is located be zoned General Industrial IN1 (equivalent zone to 4A) under the Standard LEP. However, Council in adopting the Strategy in February 2008 resolved to extend the bulky goods zoning along The Horsley Drive and extending north up Market Street which includes the subject site. Although the Strategy does not make a clear distinction between Bulky Goods Retailing and Timber/Hardware and Building Supplies, allowing a Bunnings on the subject site is considered to be consistent with Council's strategic direction for the area. Subsequent advice from the Department of Planning indicate that they do not support the extension to the bulky goods zone in Smithfield stating that the changes, which were proposed late in the

	development of the Strategy, lacked strategic justification and contradict the rigorous process of analysis and feedback which was undertaken to prepare the Strategy. Bunnings are not seeking to rezone the subject site to allow for bulky goods, rather they are seeking the possibility to have an additional permitted use on the subject site ie Hardware and Building Supplies. The Standard Instrument recognises that <i>Timber and Building Supplies</i> are a separate and different use to a Bulky Good Premises and has provided separate definitions distinguishing the 2 land uses. It is considered that the Bunnings proposal is consistent with Council's strategic direction for the area and would still be appropriate if Council was able to convince the Department of Planning in the future that the area should be zoned for bulky goods purposes.
6. <i>Is the planning proposal consistent with the applicable state environmental policies?</i>	Not applicable as it is considered that no relevant State Environmental Planning Policies apply.
7. <i>Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)</i>	Yes. The planning proposal is consistent with the applicable s117 Ministerial Directions, it being noted that the following Directions are relevant: - Ministerial Direction 1.1 – Business and Industrial Zones - Ministerial Direction 3.4 – Integrating Land Use and Transport - Ministerial Direction 4.3 – Flood Prone Land - Ministerial Direction 6.3 – Site Specific Provisions - Ministerial Direction 7.1 – Implementation of the Metropolitan Strategy See Appendix B for details.

Section C – Environmental, social and economic impact

8. <i>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</i>	No. The planning proposal relates to land that has already been developed for industrial purposes. There is no evidence of critical habitat, threatened species or ecological communities on the site which may be adversely affected as a result of the proposal.
9. <i>Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i>	No. Any proposal for a ‘hardware and building supplies’ business will require a development application and accompanying Statement of Environmental Effects will detail any environmental impacts generated by the proposal including mitigation measures. It is considered that any adverse environmental impacts stemming from the proposed Bunnings can be addressed as part of the development assessment stage.
10. <i>How has the planning proposal adequately addressed any social and economic effects?</i>	Yes. The proposal is expected to provide development and services to the local community that will employ approximately 160 persons in operational jobs (not including construction jobs). In considering the Economic Impact in a planning context, the issue to consider is not the impact on any individual competitor to any business but instead the overall impact on the availability of goods, services and facilities to the local community. It is not considered that this development will have a significant economic detrimental impact on Smithfield Town Centre or the range of goods, services or facilities available in the centre and surrounding areas context. The site is also located on one of the older sections of the Smithfield Industrial Area and it is considered that this redevelopment may act as a catalyst for the renewal and redevelopment of adjoining sites.

Section D – State and Commonwealth interests

11. <i>Is there adequate public infrastructure for the planning proposal?</i>	Yes. The planning proposal will allow the development of a Hardware and Building Supplies store at the subject site. The subject site is located approximately 220m from the Smithfield Town Centre and is located on a number of established bus routes along the Horsley Drive. However, it is noted that most customers of the proposed Hardware and Building Supplies business will travel by car. A number of traffic works will be required to be carried out as part of the development ie signalling the intersection (The Horsley Drive/O’Connell St), construction of median island (on The Horsley Drive) to facilitate left in/left out arrangements etc that will need to be determined as part of the development application process and consultation with the RTA.
12. <i>What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</i>	Consultation is expected to be undertaken with relevant Government Authorities and agencies as part of the planning proposal, including the Department of Planning, Roads and Traffic Authority, adjoining Councils and relevant bus service operators.

Part 4 – Community Consultation

“A guide to preparing local environmental plans” has been prepared by the DoP (2009) to assist Councils in preparing planning proposals and LEPs. In accordance with the guidelines, it is not considered that the planning proposal is ‘low impact’ and accordingly will require the full exhibition period of 28 days.

Notice of the planning proposal would be by:

- inclusion of an advertisement in a local newspaper advising of the public exhibition
- advertising on the Council website for the duration of the exhibition period
- notifying the relevant Government Authorities and Agencies including the Department of Planning, Roads and Traffic Authority, adjoining Councils and relevant bus service operators by letter at the start of the exhibition period
- letters to the Smithfield Public School as well as nearby industrial and residential in the vicinity of the site advising of the public exhibition.

Written notice and display material will be in accordance with the document “A guide to preparing local environmental plans” (DoP 2009). A report on submissions will be presented to Council for its consideration following the exhibition period.