

# **PLANNING PROPOSAL**

## **GREENWAY SUPACENTA: 1183-1185 THE HORSLEY DRIVE, WETHERILL PARK**

MARCH 2018

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# INTRODUCTION

## 1.1. OVERVIEW

This Planning Proposal has been prepared on behalf of The Trustee for Altis ARET Sub Trust 5 to initiate the preparation of an amendment to the *Fairfield Local Environmental Plan 2013* (FLEP 2013).

The amendment would result in an amendment to Schedule 1 Additional Permitted Uses of FLEP 2013 to allow an existing building within the bulky goods retail centre at 1183-1185 The Horsley Drive, Wetherill Park to support retail and business premises.

## 1.2. BACKGROUND

Greenway Supacenta is an existing bulky goods centre consisting of a gross floor area of approximately 29,000sqm comprising:

- Bulky goods retail outlets
- Shops and business uses
- Commercial offices
- Fast food restaurants and take away outlets

Pursuant to FLEP 2013, the site is zoned B5 Business Development. The core activity within the site, bulky goods retail, is permissible within the B5 Business Development zone. Similarly, takeaway food and drink premises are a permissible use.

Existing uses contained within Units 1 – 7 of the ground floor and Units 1-6 of the mezzanine of Greenway Plaza, and lawfully commenced prior to the gazettal of FLEP 2013, are most appropriately defined as follows:

- Shops
- Business premises
- Office premises

These uses are not permissible in the B5 Business Development zone\*. Similarly, restaurants are prohibited within the zone.

Clause 25G of *Fairfield LEP 1994* (FLEP 1994) permitted “shop” and “business” premises (as defined by FLEP 1994) within Units 1-7 and “business” premises within Units 1-6 of Greenway Supacenta.

FLEP 2013 was gazetted on 17 May 2013 and replaced FLEP 1994 as the applicable environmental planning instrument for the site. Pursuant to FLEP 2013, the subject site was rezoned to B5 Business Development. Consistent with the site’s previous zoning (4 (a) Light Industrial) commercial premises are generally prohibited within the B5 zone\*. The site-specific provisions of Clause 25G which permitted retail and business premises within the centre under FLEP 1994 were not transferred into FLEP 2013. As a consequence, existing use rights must be relied upon as the basis of the permissibility of the existing commercial uses within Greenway Plaza.

This Planning Proposal has been prepared to address the prohibition of existing commercial uses created by the gazettal of FLEP 2013 by introducing an amendment to Schedule 1 Additional Permitted Uses.

***\*The B5 zone allows for the following commercial uses: bulky goods premises; kiosks; hardware and building supplies; landscaping material supplies; vehicle sales or hire premises and take away food and drink premises***

### 1.3. PROPOSED LEP AMENDMENT

The current land use zoning and the range of permissible uses do not reflect the existing (and lawful) land uses present on the site. There is a need to review the zoning of the site as follows:

- In its current form FLEP 2013 fails to reasonably and fairly recognise the existing land uses of the site as reflected in the planning controls that applied under FLEP 1994.
- The introduction of FLEP 2013, specifically the repeal of site specific provisions which permitted commercial uses within the site, amounted to a significant “down zoning” of the subject land. This has resulted in substantial and unreasonable economic impacts on the land owners.
- FLEP 2013 ignores the economic and social benefits of the site in local terms. The centre performs an important role as an industrial service centre providing services and facilities for the local workforce.
- FLEP 2013 ignores the investment made by both the land owners and Council in establishing the site-specific controls that applied under Clause 25G of FLEP 1994.

This Planning Proposal has been prepared to address the prohibition of certain commercial uses within the Greenway Supacentra site through the provision of a site-specific amendment to FLEP 2013. It seeks to reintroduce the site-specific provisions which applied to the site pursuant to Clause 25G of FLEP 1994. A restriction on the gross floor area (GFA) of any shop is also proposed.

The rezoning of the site as proposed is influenced by several key factors which are addressed in this report. These are:

- Under the now repealed FLEP 1994 “shops” and “business” uses (as defined by FLEP 1994) were permissible within Units 1-7 of the site and the shopping centre has developed on that basis accommodating a variety of shop and business uses within Units 1-7 (ground floor) and commercial offices within Units 1-6 (mezzanine).
- No changes are proposed to the quantum of shop, business or office floor space currently available within the site. The shopping centre will remain primarily a bulky goods retail outlet with the general retail / commercial uses playing a complementary and subsidiary role to that use.
- No changes are proposed to the site’s current land use zoning (B5 Business Development).
- To regularise and permit uses that are currently on the site but are prohibited under the present planning framework, and thereby remove the application of ‘existing use rights’ provisions from those uses.

The intent of this clause is to allow for additional permitted uses (commercial premises, business premises and office premises) in the area nominated on the key sites map. Shops at ground level within this area will be restricted to a maximum of 500sqm only.

It is proposed to introduce a site-specific enabling clause via a Schedule 1 amendment for the site as follows:

#### **20 Use of certain land at 1183-1185 The Horsley Drive, Wetherill Park**

- (1) *This clause applies to part Lot 1 in DP709356 being land identified as Site 21 on the Key Sites Map.*
- (2) *Development for the following uses is permitted with consent:*
  - (a) *Commercial premises at ground floor level; and*
  - (b) *Business and office premises at mezzanine level*
- (3) *Development consent must not be granted for development for the purpose of shops on land to which this clause applies if the gross floor area of any shop is more than 500 square metres.*
- (4) *In calculating the gross floor area of a shop, the gross floor area of any adjoining shop is to be included if the adjoining shop:*
  - (a) *shares a pedestrian access point or has other direct internal links with the proposed development, and*

The Schedule 1 Additional Permitted Uses amendment will be reflected in an update to the FLEP 2013 Key Sites Map (KYS\_010). A draft Key Sites map is included at **Appendix B**. The map limits the application of the amendment to the southern wing of Greenway Plaza.

## 1.4. STRUCTURE OF REPORT

This document has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment's (DP&E) "*A Guide to Preparing Planning Proposals*" and "*A Guide to Preparing Local Environmental Plans*".

The Planning Proposal is accompanied by the following:

- Site Plan (**Appendix A**)
- Draft Key Sites Map (**Appendix B**)
- Economic Statement (**Appendix C**)
- Traffic Statement (**Appendix D**)



## 2. LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

### 2.1. THE SITE

The site is the Greenway Supacentra, an existing shopping centre, and comprises land known as 1183-1185 The Horsley Drive, Wetherill Park. The legal description of the property is Lot 1 in DP 1136897.

Greenway Supacentra sits between The Horsley Drive, Elizabeth Street and Canley Vale Road. It comprises an area of approximately 5.75ha. Land uses consist of general retail, bulky goods retail, restaurants, food outlets, offices and associated car parking.

Land to the north, east and west of the site consists predominantly of low density bulky goods retail outlets on large lots. Land to the south comprises residential land uses, predominantly low density dwelling houses separated from the site by The Horsley Drive.

Figure 1 – Site Location



Source: Near Map 2016

The existing centre comprises two building components which are separated by at grade car parking:

- Greenway Supacentra bulky goods retail outlet: L-shaped building which wraps around the northern and western sides of the site accommodating large format retail tenancies which accommodate a range of bulky goods retail uses.
- Greenway Plaza: Centrally located within the site and comprising two wings:
  - Northern wing: Single storey building accommodating bulky goods retail uses.
  - Southern wing: Two storey building. The ground floor of the building (Units 1-7) accommodates a mix of general retail and business uses. The mezzanine level (Units 1-6) accommodate commercial offices.



The proposal relates to the existing retail, business and offices tenancies situated at ground floor and mezzanine level of the southern wing of Greenway Plaza (Units 1-7 ground floor and Units 1-6 mezzanine level) as illustrated in Figure 2 below.

Figure 2 – Site Plan



Source: Near Map 2016

### **3. PART 1 – OBJECTIVES AND INTENDED OUTCOME**

The key outcome of this Planning Proposal is to amend FLEP 2013 to enable a limited quantum of retail and business related uses within the existing Greenway Supacentra site.

Key objectives of the Planning Proposal are as follows:

- Rectify the inconsistency regarding the prohibition of previously permitted uses at the Greenway Supacentra, which are resulting in adverse impacts on the economic viability and operation of the centre;
- Formalise existing uses which complement the Supacentra and currently serve an established client base; and
- Meet the requirements of the New South Wales strategic planning framework regarding the need to meet the retail and service needs of local communities, whilst reinforcing the suitability for centres for retail and commercial uses.

## 4. PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal seeks to achieve the intended outcomes outlined in Part 1 of this report by proposing amendments to FLEP 2013 as follows:

- An amendment to Schedule 1 Additional Permitted Uses to allow for the following as permissible uses within part of the site:
  - Commercial premises within Units 1 – 7 of the ground floor of Greenway Plaza; and
  - Business and office premises within Units 1 – 6 of the mezzanine level of Greenway Plaza.
- Restrict the gross floor area of a shop to 500sqm within part of the site.
- An amendment to Key Sites Map Sheet KYS\_010 to reflect the Schedule 1 Additional Permitted Uses amendment.

### 4.1. OTHER RELEVANT MATTERS

This updated Planning Proposal responds to the recommendations of the Sydney Western City Planning Panel provided on the 22<sup>nd</sup> February 2018.

This determination followed a request by the applicant for a rezoning review. This application was a consequence of the refusal by Council to support the proposed amendment, which was inconsistent with both the recommendation of Council officers and the findings of both the Economic Statement and the peer review of this document (see **Appendix C**).

The Panel determined that a revised proposal could proceed subject to the following conditions:

- a) *Revise the proposed amendment to schedule 1 to:*
  - *Restrict the gross floor area of a retail premises to 500 square metres; and*
  - *Include an additional provision that requires any adjoining shop to be included in the calculation of any gross floor area where the pedestrian access is shared or there are other direct links.*

The Planning Proposal has been amended to be consistent with the determination of the panel.

## 5. PART 3 – JUSTIFICATION AND THE PROCESS FOR THEIR IMPLEMENTATION

### 5.1. SECTION A – NEED FOR THE PLANNING PROPOSAL

#### Q1. Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the direct result of a specific strategic study or report. The need for the proposed LEP amendment has arisen due to an anomaly created through the introduction of FLEP 2013. The repeal of site specific provisions relating to the Greenway Supacentra site within the previous environmental planning instrument that applied to the land (Fairfield LEP 1997) which allowed retail and business use has created an inconsistency between the uses permissible pursuant to the LEP zoning of the site and existing development within the southern wing of Greenway Plaza. The planning proposal seeks to address this inconsistency.

#### Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there better way?

The Planning Proposal is the best means of achieving the objectives of the project. The site is suitably zoned to permit bulky goods retail, being the primary focus of the shopping centre, but an extension of the permissible uses is required to address those parts of the site (namely the southern wing of Greenway Plaza) where existing (lawful) retail, business and office uses are prohibited as a result of the repeal of site specific LEP provisions that previously applied to the site following the gazettal of FLEP 2013.

The Planning Proposal seeks to replicate the site-specific provisions of Clause 25G of FLEP 1994 as far as possible and other key areas provisions available in Local Environmental Plans in surrounding local government area's\*. As discussed in Section 2.2.3, the land use definitions used within FLEP 1994 differ to those adopted in FLEP 2013. The land uses proposed to be included in the LEP amendment are considered to be comparable with those uses permissible within the site pursuant to Clause 25G of FLEP 1994. The proposal does not seek to allow for additional land uses within the site, over and above the shop and business uses envisaged under Clause 25G.

With respect to shop use, Clause 25G sought to prevent the development of supermarkets within the site. In this regard, a provision to restrict the floor space of shops to a maximum 1,500sqm within the site is proposed.

Alternative approaches have been considered but rejected as follows:

- Restricting shop use to neighbourhood shops in this case is not considered to be an appropriate option as Clause 5.4 of the LEP restricts the floor space of neighbourhood shops as follows:

#### **(7) Neighbourhood shops**

*If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 80 square metres.*

The existing retail tenancies within Units 1-7 of the Greenway Plaza range comprise gross leasable areas ranging from 27sqm to 1,178sqm.

- *Supermarkets* are not defined within FLEP 2013 (or in any other relevant legislative document). It is therefore not considered appropriate to introduce a clause that would specifically exclude supermarkets as a permissible use within the site.

\* *Blue Mountains Local Environmental Plan 2015, Regulation 6.26*

## 5.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

**Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and Exhibited Draft Strategies)?**

### Greater Sydney Region Plan – A Metropolis of Three Cities

The aim in shifting Greater Sydney's spatial structure is to benefit all existing and future citizens and flows from the investment in the Western Sydney Airport. This development necessitates a shift away from thinking of Greater Sydney as a place anchored by an economically strong single central business district, rather a metropolis of three cities.

The plan highlights the following priorities to enhance the function three-city metropolis:

- a) 30-Minute City: Increasing the range of jobs and services and other opportunities that people can get to within 30 minutes. This will provide equitable access to health, open space and community and cultural infrastructure, improve the ability to walk to local services and amenities and encourage residents to access local services and employment generating facilities.
- b) A City with Smart Jobs: Increasing the knowledge and skills capacity of the workforce will improve the resilience of the economy. A key focus of the plan is to increase health, knowledge and education jobs in both major and local centres in order to provide opportunities for people to work in a wider range of areas.

The Plan is the current Strategic Plan for Metropolitan Sydney. The plan integrates land use, transport and infrastructure planning between the three tiers of government and across State agencies. The vision is for residents within Greater Sydney to live within 30 minutes of their jobs, education and health facilities, and great places. The key priorities for Greater Sydney are included under the following;

- Infrastructure and Collaboration,
- Liveability,
- Productivity, and
- Sustainability

The Site is located within the Western Parkland City as identified by the Plan. The Plan recognises that the population of the Western City Parkland City is projected to grow from 740,000 in 2016 to 1.1million by 2036. This population growth generates the need to deliver more homes, jobs and community infrastructure.

The site is not specifically referenced within the Plan. However, the wider Villawood to Wetherill Park corridor is identified as an area that will support economic activity at Greater Parramatta and Olympic Peninsula Economic corridor. Infrastructure investment will be upgraded and improved in this area.

The key priorities identified in the Plan are filtered down and implemented through locality specific objectives within the District Plans and have been addressed below. Relevant to this proposal is the importance of the provision of a range of services within proximity of residential development. Both the existing industrial workforce and the residential areas south of the site will benefit from the continuation of retail and business uses within the Supacenta and the diverse services that these accommodate.

Table 1 – Vision for the Western Parkland City

Objectives	Comment
<b><i><u>Infrastructure and collaboration</u> – The Western Sydney City Deal will optimise infrastructure and business investment, employment and liveability outcomes. Collaboration Areas at Liverpool, Greater Penrith and Campbelltown-Macarthur will address complexities and coordinate planning, governance and implementation to support growth.</i></b>	The proposal does not undermine the potential to achieve this vision.
<b><i>Productivity – The designation of the metropolitan cluster recognises the opportunity to build on the</i></b>	The proposal does not affect the continued operation of the Greenway Supacenta as an



Objectives	Comment
<i>strengths of the three established centres and deliver a 30-minute city. The city will include expansive industrial and urban services lands to the north and east of the Western Sydney Airport. Supported by a freight link, these lands will provide for Greater Sydney's long-term freight and logistics and industrial needs.</i>	established bulky goods retail outlet. Rather, the proposal will strengthen the ability of the existing retail and business tenancies to complement these uses, by providing a 'top-up' destination for customers of the Supacentra and the surrounding industrial workforce
<b><u>Liveability</u></b> - <i>The city will emerge with the development of new neighbourhoods and centres, and with urban renewal close to existing centres.</i>	The proposal does not undermine the potential to achieve this objective.
<b><u>Sustainability</u></b> – <i>Development along the spine of South Creek and its tributaries will re-imagine liveability and sustainability, providing new cool and green neighbourhoods and centres with generous open space in a parkland setting.</i>	The proposal does not undermine the potential to achieve this objective.

#### Western City District Plan

The District Plans designate Greater Sydney into five districts which represent their common locality and planning opportunities. The site falls within the Western City District.

The objectives relevant to this proposal relate to the 'Productivity' and 'Liveability' priorities. Wetherill Park is identified as having a large industrial and urban services offering. The proposed amendment to Schedule 1 ensures that the Supacentra will remain primarily a bulky goods retail outlet with the general retail / commercial uses playing a complementary and subsidiary role to that use. The proposed LEP amendment will maintain a small amount of existing commercial uses onsite.

Furthermore, the site will maintain its current role generating employment for the locality. The actions relevant to this proposal relate to the plans 'productivity' priorities and are deemed essential for the growth of the Western City District. The plan highlights the need to meet the retail and service needs of local communities whilst reinforcing the suitability of centres for retail and commercial uses. The proposal responds to this priority by formalising existing uses which complement the Supacentra and currently serve an established client base. The Proposal upholds the dominant use of the centre as a bulky goods space and will not result in the loss of bulky goods floor space in Fairfield City.

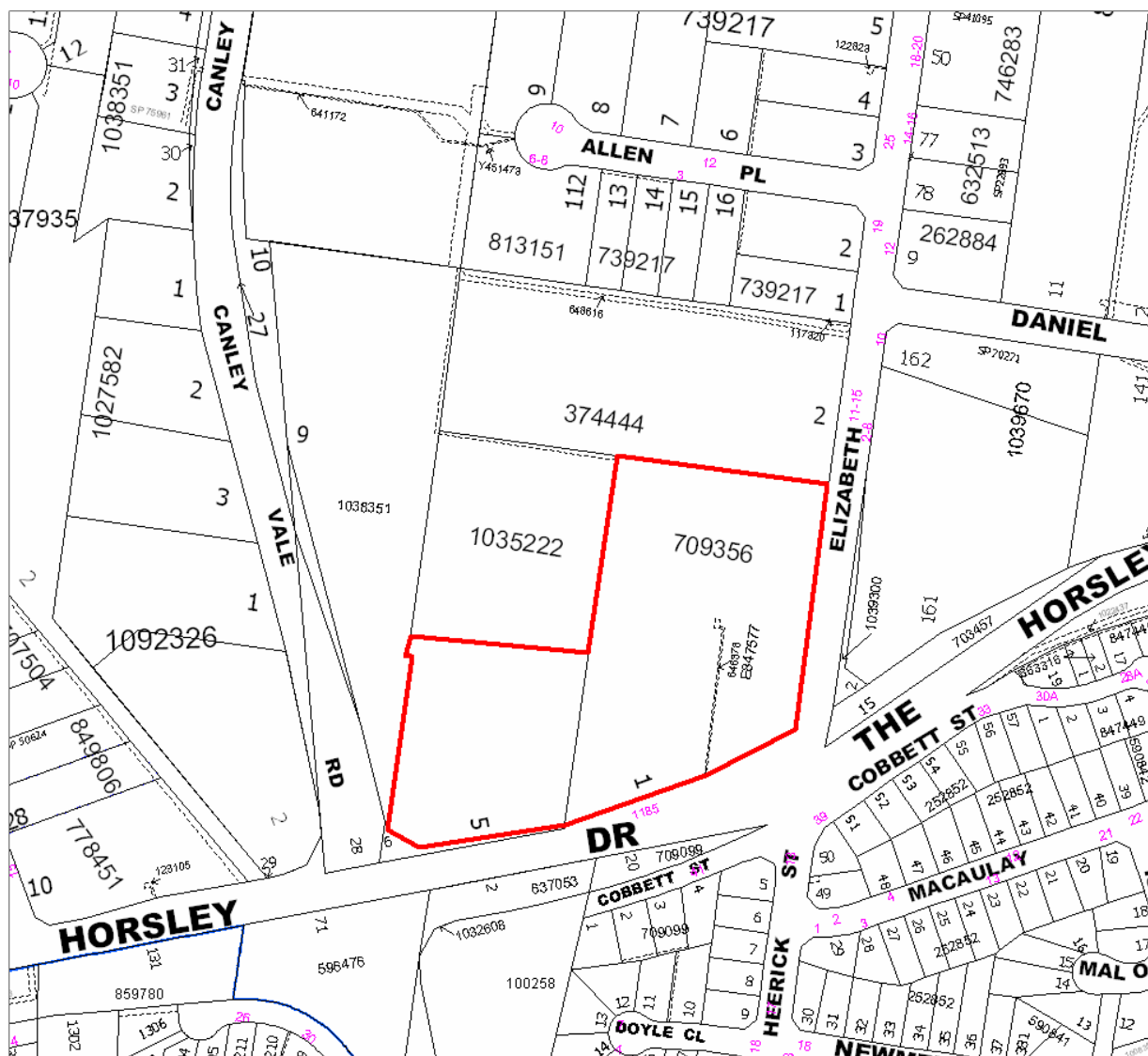
The continuation of these uses on the site ensure that diverse employment opportunities are available to the locality, particularly the residential areas to the south. This is consistent with the Liveability priorities to provide housing in proximity to employment and services.

#### **Q4. Is the Planning Proposal consistent with a council's local strategy or another local strategic plan?**

##### **Fairfield Employment Lands Strategy (2008)**

Yes. The Fairfield Employment Lands Strategy (February 2008) was prepared to inform the conversion of FLEP 1994 to the standard template LEP. The strategy included consideration of the Greenway Supacentra site, including its future zoning and function. Of particular relevance to the proposal, the strategy recommends that Central Services Facility nodes be included within Wetherill Park to provide daily services for the working population in the industrial area. The site forms part of one of the proposed CSF sites comprising an area west of Daniel Street bounded by Elizabeth Street to the east, Canley Vale Road to the west and The Horsley Drive to the south. The proposal is entirely consistent with the strategy as it would reinforce Greenway Supacentra as a "central services facility."

Figure 3 – Fairfield Employment Lands Strategy – Proposed Central services Facility



Source: Google Earth

### Fairfield City Plan 2016-2026

Theme 4 of the Fairfield City Plan relates to economy and employment. The Plan emphasises the importance of the Smithfield-Wetherill Park industrial area as an economic contributor and traffic generator to the local area and highlights a general strategy to encourage a greater variety of shops in local centres. The proposal is consistent with the general aims of the City Plan as it will maintain the variety of retail offerings within the Site, whilst supporting the existing industrial service centre function.

The site's proximity to the existing Wetherill Park workforce will also provide opportunities for employees to access the site reducing their need to travel for day-to-day services and facilities.

### Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?



The Planning Proposal is consistent with the relevant State Environmental Planning Policies as summarised below.

Table 1 – State Environmental Planning Policies

<b>SEPP</b>	<b>Consistency</b>	<b>Consistency of Planning Proposal</b>
SEPP 1 – Development Standards	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP. The proposal will support the application of the SEPP to the site which will contribute to the transparency of the planning controls applicable to the site.
SEPP 6 – Number of Storeys in a Building	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 14 – Coastal Wetlands	Not Applicable	
SEPP 15 – Rural Land sharing Communities	Not Applicable	
SEPP 19 – Bushland in Urban Areas	Not Applicable	
SEPP 21 – Caravan Parks	Not Applicable	
SEPP 22 – Shops and Commercial Premises	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP 26 – Littoral Rainforests	Not Applicable	
SEPP 29 – Western Sydney Recreation Area	Not Applicable	
SEPP 30 – Intensive Agriculture	Not Applicable	
SEPP 33 – Hazardous and Offensive Development	Not Applicable	
SEPP 36 – Manufactured Home Estates	Not Applicable	
SEPP 39 – Spit Island Bird Habitat	Not Applicable	

<b>SEPP</b>	<b>Consistency</b>	<b>Consistency of Planning Proposal</b>
SEPP 44 – Koala Habitat Protection	Not Applicable	
SEPP 47 – Moore Park Showground	Not Applicable	
SEPP 50 – Canal Estate Developments	Not Applicable	
SEPP 55 – Remediation of Land	Yes	The site is occupied by an existing shopping centre. No change of use is proposed. The site is not subject to any known contamination that would prevent its ongoing use as a shopping centre.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	Not Applicable	
SEPP 60 – Exempt and Complying Development	Not Applicable	
SEPP 62 – Sustainable Aquaculture	Not Applicable	
SEPP 64 – Advertising and Signage	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 65 – Design Quality of Residential Apartment Development	Not Applicable	
SEPP 70 – Affordable Housing (Revised Schemes)	Not Applicable	
SEPP 71 – Coastal Protection	Not Applicable	
SEPP (Affordable Rental Housing) 2009	Not Applicable	
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable	
SEPP (Exempt and Complying Development Codes) 2008	Consistent	The proposal is to adopt the standard instrument provisions for exempt and complying development
SEPP (Housing for Seniors or people with a Disability) 2004	Not Applicable	

<b>SEPP</b>	<b>Consistency</b>	<b>Consistency of Planning Proposal</b>
SEPP (Infrastructure) 2007	Yes	<p>State Environmental Planning Policy (Infrastructure) 2007, sets out requirements for various public authority and infrastructure works throughout the state. In addition, it requires the referral of certain traffic generating development to the RMS during the DA assessment process.</p> <p>Any required referral will be triggered at DA stage and does not impact a land rezoning.</p> <p>Traffic generation, parking and access are addressed in Section 5.3.</p>
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not Applicable	
SEPP (Kurnell Peninsula) 1989	Not Applicable	
SEPP (Major Development) 2005	Not Applicable	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	
SEPP (Penrith Lakes Scheme) 1989	Not Applicable	
SEPP (Port Botany and Port Kembla) 2013	Not Applicable	
SEPP (Rural Lands) 2008	Not Applicable	
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable	
SEPP (State and Regional Development) 2011	Consistent	The Planning Proposal does not contain provisions that will conflict or obstruct the application of the SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable	
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	

SEPP	Consistency	Consistency of Planning Proposal
SEPP (Temporary Structures) 2007	Not Applicable	
SEPP (Urban Renewal) 2010	Not Applicable	
SEPP (Western Sydney Employment Area) 2009	Not Applicable	
SEPP (Western Sydney Parklands) 2009	Not Applicable	
Draft SEPP (Competition) (2010)	Yes	The proposal has considered the draft SEPP, namely the objectives to remove artificial barriers on competition between retail businesses and is considered consistent with the draft SEPP.

#### Q6. Is the Planning Proposal consistent with applicable ministerial directions (S.117 Directions)?

The Section 117 Ministerial Directions (under Section 117(2) of the *Environmental Planning and Assessment Act, 1979*) provide local planning direction and are to be considered in a rezoning of land. The relevant Section 117 considerations are considered below.

Table 2 – Section 117 Directions for Planning Proposals

Clause	Direction	Consistency	Comment
<b>1. Employment and Resources</b>			
1.1	Business and Industrial Zones	Consistent	<ul style="list-style-type: none"> <li>The proposed development will have a positive employment impact, providing for ongoing opportunities for new jobs.</li> <li>The proposal will not undermine the integrity and core purpose of the Greenway Supacentra for bulky goods retail.</li> </ul>
1.2	Rural Zones	Not Applicable	This Direction is not applicable as it applies to Rural zoned land.
1.3	Mining Petroleum Production and Extractive Industries	Not Applicable	This Direction is not applicable as it applies to Mining Petroleum Production and Extractive Industries.

Clause	Direction	Consistency	Comment
1.4	Oyster Aquaculture	Not Applicable	This Direction is not applicable as it applies to Oyster aquaculture
1.5	Rural Lands	Not Applicable	This Direction is not applicable as it applies to rural lands.
<b>2. Environment and Heritage</b>			
2.1	Environmental Protection Zones	Not Applicable	This Direction is not applicable as the Site is not covered by an environmental protection zone.
2.2	Coastal Protection	Not Applicable	This Direction is not applicable as the Site is not in a coastal protection zone.
2.3	Heritage Conservation	Not Applicable.	FLEP 2013 contains heritage provisions. This Planning Proposal does not seek to amend these.  There are no known heritage items on or in proximity to the Site, nor is it located within a heritage conservation area.
2.4	Recreation Vehicle Areas	Not Applicable.	This Direction is not applicable as the Site is not intended to be used as a recreational vehicle area.
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones	Not Applicable	This Direction is not applicable as the Site.
3.2	Caravan Parks and Manufactured Home Estates		This Direction is not applicable as the Site is not currently a caravan park, nor is it intended to be used as a caravan park or manufactured home estate.

Clause	Direction	Consistency	Comment
3.3	Home Occupations	Not Applicable	This Direction is not applicable as the Site is not intended to be used for housing purposes.
3.4	Integrating Land Use and Transport	Consistent	<ul style="list-style-type: none"> <li>The site supports the principle of integrating land use and transport.</li> <li>The site exhibits good access to public and private transportation use, being adjacent to The Horsley Drive.</li> <li>The site's proximity to the existing Wetherill Park workforce will provide opportunities for employees to access the site reducing their need to travel for day-to-day services and facilities.</li> </ul>
3.5	Development Near Licensed Aerodromes	Not Applicable	This Direction is not applicable as the Site is not near a licensed aerodrome.
3.6.	Shooting Ranges	Not Applicable	This Direction is not applicable as the Site is not located near a shooting range.
<b>4. Hazard and Risk</b>			
4.1	Acid Sulfate Soils	Not Applicable	This Direction is not applicable as the Site is not located within an Acid Sulphate Soil zone.
4.2	Mine Subsidence and Unstable Land	Not Applicable	This Direction is not applicable as the Site is not located within a Mine Subsidence District or identified as unstable land.
4.3	Flood Prone Land	Not Applicable	The proposal is not intended to facilitate

Clause	Direction	Consistency	Comment
			changes to the existing built form within the site. New development will be required to address flood constraints within the site.
4.4	Planning for Bushfire Protection	Not Applicable	This Direction is not applicable as the Site is not located on bushfire prone land.
<b>5. Regional Planning</b>			
5.1	Implementation of Regional Strategies	Not Applicable	This Direction is not applicable as the Site is not part of a regional strategy.
5.2	Sydney Drinking Water Catchments	Not Applicable	This Direction is not applicable as the Site is not located within a hydrological catchment in the identified LGAs.
5.3	Farmland of State and Regional Significance on NSW Far North Coast	Not Applicable	This Direction is not applicable as the Site is not located on the NSW far north coast.
5.4	Commercial and Retail Development along the Pacific Highway	Not Applicable	This Direction is not applicable as the Site is not located along the Pacific Highway.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	Revoked	
5.6	Sydney to Canberra Corridor	Revoked	
5.7	Central Coast	Revoked	
5.8	Second Sydney Airport: Badgery's Creek	Not Applicable	This Direction is not applicable as the Site is not located within or adjacent to the proposed airport site.



Clause	Direction	Consistency	Comment
5.9	North West Rail Link Corridor Strategy	Not Applicable	This Direction is not applicable as the Site is not located within the applicable LGAs.
<b>6. Local Plan Making</b>			
6.1	Approval and Referral Requirements	Consistent	The Planning Proposal is consistent with the objective of this clause as it sets a statutory planning framework for the Site that will facilitate appropriate development assessment procedures in accordance with the EP&A Act 1979.
6.2	Reserving Land for Public Purpose.	Consistent	This is an administrative requirement for Council.
6.3	Site Specific Provisions	Consistent	The Planning Proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the Fairfield LEP.
<b>7. Metropolitan Planning</b>			
7.1	Implementation of the Greater Sydney Region Plan – A Metropolis of	Consistent	The planning proposal is consistent with the aims of the Metropolitan Plan as detailed previously within the Planning Proposal.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not Applicable	This Direction is not applicable as the Site is not located within the Greater Macarthur Land Release Instigation area.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	This Direction is not applicable as the Site is not located within the Parramatta Road Corridor.

## 5.3. SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

### Q7. 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?

No. The site is located within an established urban area. There are no known critical habitats, threatened species or ecological communities located on the site and therefore the likelihood of any negative ecological impacts are minimal.

### Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The key environmental considerations associated with the project are as follows:

#### Flooding

The site has been identified within the Wetherill Park Overland Flow Study (2015) as being flood affected. The Wetherill Park overland flow catchment is located in the north-western portion of the Fairfield LGA, immediately south of the Prospect Reservoir and Prospect Creek and east of the Sydney Water Supply Channel. We understand that the Greenway Plaza building is situated on land that is identified as being flood affected. Council has recommended that an Evacuation and Site Emergency Response Flood Plan be prepared for the site.

The proposal does not propose any alterations or additions to existing built development within the site. Should physical changes be proposed in the future, a development application would be required and this would include consideration of the provisions of Chapter 11 of the Fairfield City Wide DCP 2013.

#### Traffic

The proposal will not involve any changes to the existing uses or quantum of floor space within the site. Existing parking, traffic and access arrangements are currently satisfactory and will remain unchanged.

As part of a recent development application for a new medical centre within the site, a comprehensive traffic and parking analysis was undertaken. A copy of this report is attached at **Appendix D**. The findings of this report are relevant to the Planning Proposal providing confirmation that the existing parking and traffic management measures which service the retail and business uses, alongside the wider Greenway Supacentra site, are acceptable.

The analysis was supported by parking accumulation surveys which were carried out on Thursday 4 April 2013 and Saturday 6 April 2013. The survey results indicated the following:

- A total of 672 spaces within the Greenway Supacentra site.
- Peak parking accumulation on Thursday was 464 parked cars at midday (212 unoccupied spaces).
- Peak parking accumulation on Saturday was 449 parked cars at 11am (227 unoccupied spaces).
- Parking for an additional 38 cars was proposed as part of the DA for the medical centre which would result in the total availability of 710 spaces within the site.

The report confirms that adequate parking is available within the site to accommodate the demands of the existing bulky goods and other uses, combined with the parking demands of the proposed medical centre.

Traffic generation of the existing uses combined with the proposed medical centre was also undertaken. The assessment findings are as follows:

- 234 vehicle trips per hour during the morning peak period
- 220 vehicle trips per hour during the evening peak period
- 400 vehicle trips per hour during the weekend peak period

Overall, it is considered that the site will not result in any significant environmental effects that would preclude the proposed LEP amendment.

### Q9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is accompanied by an Economic statement which provides an assessment of the potential economic impacts of the proposed LEP amendment (refer to **Appendix C**). The analysis confirms that the proposal will not result in potential adverse economic impacts as follows:

- Existing retail activity within the centre is not having any adverse impact on the Fairfield Centres hierarchy. Centres in the vicinity of the site experience strong trade.
- The retail tenancies perform an ancillary role to the principal focus of the centre, being for bulky goods retail.
- The office tenancies within the mezzanine level are complementary to the prevailing land uses.
- Greenway Plaza plays a role in providing convenient retail options for the local Wetherill Park workforce. There is currently limited provision locally.
- The existing planning controls are having an adverse economic impact on the operation of the Greenway Supacentra, causing time and cost delays associated with minor development application matters. Given the prominent location of Units 1-7 vacancies have a knock-on impact on the appearance and vitality of the entire site. Addressing the existing planning controls as proposed will ameliorate these impacts and assist in improving the performance of the centre generally.

In summary, the proposal will result in positive social and economic effects as follows:

- Maintaining jobs to support the local population, enabling people to live, work and shop within their local area.
- Ensure the ongoing vitality and viability of the Greenway Supacentra by eliminating the time and cost impediments created by the current planning controls.
- Improving the opportunities for a range of shopping to be done in a single journey by maintaining local scale retail and business facilities adjacent to an established employment area.
- Proximity to labour markets: The proposal will allow for the continued role of Greenway Supacentra as a service centre, providing a limited level of retail and business floor space to meet the day to day needs of the local workforce (within Wetherill Park).

## **5.4. SECTION D – STATE AND COMMONWEALTH INTERESTS**

### **Q10. Is there adequate public infrastructure for the Planning Proposal?**

Yes. The site is served by existing utility services. The proposal involves the continuation of existing uses within the site. Accordingly, it is not anticipated that unnecessary or additional demands will be placed on public infrastructure.

### **Q11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?**

As stated above, the revised Planning Proposal is the result of a Gateway Determination of the Sydney South West Planning Panel under delegated authority of the Greater Sydney Commission (Ref: 003\_00). The panel determined that the Planning Proposal should proceed, subject to the implementation of certain changes (outlined at section 3, above) relating to the scope of the Schedule 1 amendment.

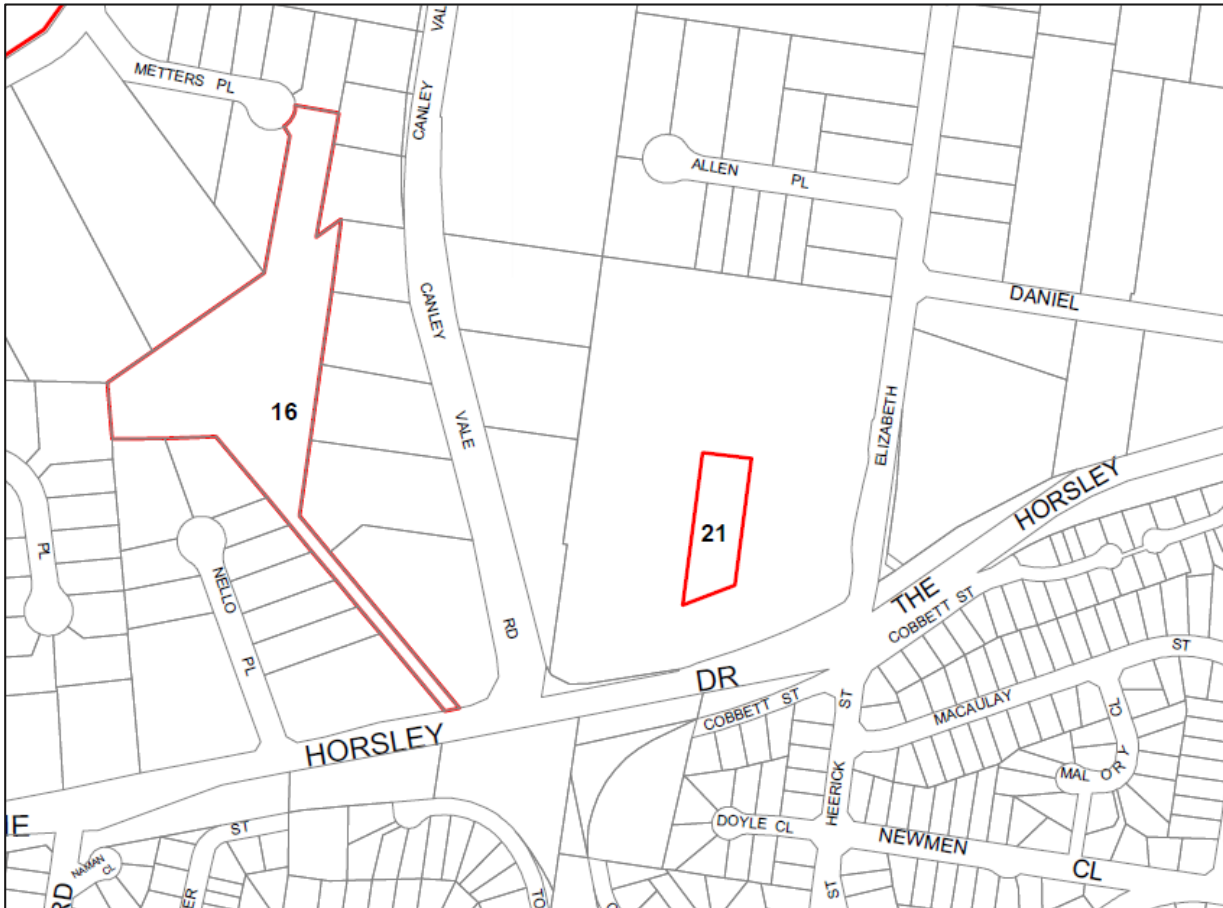
The timeframe for completing this amendment to the LEP is 9 months from the date of Gateway determination, in this case being February 2018.

It is acknowledged that Fairfield Council will consult with relevant public authorities following the Gateway determination.

## 6. PART 4 – MAPPING

A draft Key Sites Map (KYS\_010) is included at **Appendix B**. The map limits the application of the amendment to the southern wing of Greenway Plaza.

Figure 4 - Draft Key Sites Map Extract (KYS\_010)



## **7. PART 5 – COMMUNITY CONSULTATION**

### **7.1. PUBLIC CONSULTATION**

The Planning Proposal will be publicly exhibited in accordance with the requirements of the Gateway Determination.

It is anticipated that the proposal would be notified by way of:

- A public notice in the local newspaper(s).
- A notice on the Fairfield Council website.
- Written correspondence to adjoining and surrounding landowners.

The Planning Proposal will be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

## 8. PROJECT TIMELINE

The Sydney South West Planning Panel (Ref: 003\_00) has determined that the timeframe for completing this amendment to the LEP is 9 months from the date of Gateway determination.

An indicative project timeframe based on this determination is provided below.

Table 3 – Indicative Project Timeline

Stage	Dates
Commencement and completion of public exhibition	September 2017
Consideration of submissions and consideration of the proposal post exhibition	October 2017
Preparation of Determination Report	November – December 2017
Finalisation of LEP Amendment	January – March 2018

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# APPENDIX A      SITE PLAN

# APPENDIX B - DRAFT KEY SITES MAP

# APPENDIX C – ECONOMIC ASSESSMENT

# APPENDIX D– TRAFFIC ASSESSMENT



### **BRISBANE**

Level 7, 123 Albert Street  
Brisbane QLD 4000  
Australia  
T +61 7 3007 3800

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### **GOLD COAST**

45 Nerang Street,  
Southport QLD 4215  
Australia  
T +61 7 5600 4900

### **MELBOURNE**

Level 12, 120 Collins Street  
Melbourne VIC 3000  
Australia  
T +61 3 8663 4888

### **PERTH**

Level 14, The Quadrant  
1 William Street  
Perth WA 6000  
Australia  
T +61 8 9346 0500

### **SYDNEY**

Tower 2, Level 23, Darling Park  
201 Sussex Street  
Sydney NSW 2000  
Australia  
T +61 2 8233 9900

### **CISTRI – SINGAPORE**

*An Urbis Australia company*  
#12 Marina View  
21 Asia Square, Tower 2  
Singapore 018961  
T +65 6653 3424  
W [cistri.com](http://cistri.com)