

Blacktown Local Environmental Plan 1988 (Amendment No 238) - Amendment to State Environmental Planning Policy (Western Sydney Employment Area) 2009

Proposal Title : **Blacktown Local Environmental Plan 1988 (Amendment No 238) - Amendment to State Environmental Planning Policy (Western Sydney Employment Area) 2009**

Proposal Summary : **Planning Proposal to amend State Environmental Planning Policy (Western Sydney Employment Area) 2009 to facilitate the development of a Bunnings Warehouse on Lot 101, DP 1166084, 183 Reservoir Road, Huntingwood.**

PP Number : **PP_2012_BLACK_004_00** Dop File No : **12/14033**

Proposal Details

Date Planning Proposal Received : **30-Aug-2012** LGA covered : **Blacktown**

Region : **Sydney Region West** RPA : **Blacktown City Council**

State Electorate : **MOUNT DRUITT** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **183 Reservoir Road**

Suburb : **Huntingwood** City : **Blacktown** Postcode : **2148**

Land Parcel : **Lot 101 DP 1166084**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

Contact Number : **0298601130**

Contact Email : **amar.saini@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Glennys James**

Contact Number : **0298396201**

Contact Email : **Glennys.James@blacktown.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	14,685.00	No of Jobs Created :	60

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment : In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.

Supporting notes

Internal Supporting Notes :

Additional Information:

Additional information was requested from Council on 29 August 2012. On 30 August 2012, Council provided the Planning Proposal amendment number and a copy of Council Report in relation to the Planning Proposal.

REFERRALS:

A referral was forwarded to the Strategic and Land Release (SLR) Team on 29 August 2012 as the Planning Proposal proposes an amendment to State Environmental Planning Policy (Western Sydney Employment Area) 2009 (the SEPP WSEA). The SLR Team is responsible for the SEPP WSEA implementation.

INTRODUCTION

Blacktown City Council has received a request from Don Fox Planning (on behalf of Bunnings Group Limited) to amend Blacktown Local Environmental Plan 1988 (the Blacktown LEP) to facilitate an amendment to State Environmental Planning Policy (Western Sydney Employment Area) 2009 (the SEPP WSEA) by including "hardware and building supplies" and "garden centre" as an additional permissible uses in the SEPP WSEA on Lot 101, DP 1166084, 183 Reservoir Road, Huntingwood.

The site has an area of approximately 3.9 hectares, with northern frontage to the Great Western Highway of approximately 270m and a western frontage to Reservoir Road of approximately 170m. The site is undeveloped.

The land is currently zoned IN1 – General Industrial under the SEPP WSEA and located within Precinct 3 – Huntingwood. "Hardware and building supplies" and 'garden centre' are prohibited and undefined uses in the IN1 zone under the SEPP WSEA.

The purpose of the Planning Proposal is to facilitate the development of a Bunnings Warehouse on the subject site.

The proposal is to amend Schedule 1 – Additional Permitted Uses of the SEPP WSEA by

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External Supporting
Notes :

adding "hardware and building supplies" and "garden centres" as additional uses on the subject site.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The Planning Proposal clearly identifies the objective of the proposal is to expand the range of permissible uses at the site to enable the future development of a Bunnings Warehouse.

The details provided in Part 1 are generally consistent with the requirement of the Department's "A guide to preparing planning proposals".

Part 2 of the Proposal, does not demonstrate, nor clearly explain that both proposed land uses would need to be introduced in to the definitions of the SEPP WSEA to allow the provision to operate.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Council has provided an explanation for the proposed amendment i.e. the Planning Proposal would amend the Blacktown LEP 1988 to facilitate an amendment to the State Environmental Planning Policy (Western Sydney Employment Area) 2009 (the SEPP WSEA) by listing "hardware and building supplies" and "garden centre" as permissible land uses on Lot 101, DP 1166084 under Schedule 1 – Additional permitted uses of the SEPP WSEA.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 59—Central Western Sydney Economic and Employment Area

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e) List any other matters that need to be considered :

STANDARD INSTRUMENT (LEPs) ORDER 2006

The Planning Proposal seeks to amend Schedule 1 – Additional Permitted Uses of the State Environmental Planning Policy (Western Sydney Employment Area) 2009. The proposed amendment is inconsistent with the LEP template issued under the Standard Instrument Order 2006.

It is not intended to repeal this SEPP and therefore SEPP WSEA will continue to apply.

s117 DIRECTIONS:

1.1 Business and Industrial Zones:

This direction applies as the Planning Proposal involves an existing industrially zoned land. However, it is considered that the proposal is not inconsistent with the direction as the proposal does not reduce the industrial zoned land. The proposed land uses are generally acceptable in industrial zones in the Standard Instrument.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls.

It is considered that the Planning Proposal is inconsistent with the Direction. The Planning Proposal seeks to include two land uses as additional permitted uses. This is discussed in detail, further in this report.

7.1 Implementation of the Metropolitan Strategy:

The subject land is identified as employment land in the Metropolitan Strategy. The proposal does not alter this zone and is therefore consistent with the Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **s117 Direction 6.3 Site Specification Provisions will be discussed later in the report.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **A location map and an existing zoning map have been submitted by council. The maps clearly indicate the location of the site. Hence, the maps are considered satisfactory.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **No community consultation period has been proposed by Council. However, given the nature of the Planning Proposal, i.e. seeking to amend the SEPP, it is recommended that it should be placed on public exhibition for a minimum of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : June 2013

Comments in relation to Principal LEP : **Blacktown Council received funding under the Local Environmental Plan Priority Program (LEP Acceleration Fund (LEPAF)) to assist in finalising its Principal Local Environmental Plan.**

The Principal Local Environmental Plan will proceed in two (2) stages.

(Stage 1) - A Planning Proposal for the Blacktown CBD has been submitted separately and received a Gateway Determination on 2 November 2011. The Planning Proposal was issued with a 9 month timeframe for completion. Consultation was carried out during December 2011. The Planning Proposal was submitted to the Department of Planning and Infrastructure on 31 August 2012.

(Stage 2) - Remainder of the LGA. A s64 submission has been submitted (excluding maps) and the Department of Planning and Infrastructure has a target date for issue a s65 certificate by 28 September 2012. The Principal LEP will not apply to land covered by SEPP WSEA.

The Plan is due for completion by June 2013.

Assessment Criteria

Need for planning proposal : **Council has received a request to amend State Environmental Planning Policy (WSEA) 2009 to include 'hardware and building supplies' and 'garden centres' as additional permitted land uses on the subject site.**

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Consistency with
strategic planning
framework :

METRO PLAN

The Metropolitan Strategy for Sydney 2036 and the draft North West Subregional Strategy identify the Western Sydney Employment Area as an employment hub with the potential to create up to 36, 000 jobs. The key functions of the Huntingwood Precinct are for freight and logistics and local industry.

According to Council, the employment generating capacity of a Bunnings Warehouse would be double that of the freight, logistics and warehouse uses envisaged for the Huntingwood Precinct ensuring that the proposal achieves consistency with the employment generating aims of the Strategies for the Western Sydney Employment Area.

Hence, the proposal is considered to be generally consistent with the Metropolitan Strategy for Sydney 2036 or the draft North West Subregional Strategy.

DRAFT LEP PRACTICE NOTE – SCHEDULE 1 ADDITIONAL PERMITTED USES

As per the provisions of the above draft Practice Note, use of Schedule 1 should be used in exceptional circumstances. The proposal to amend Schedule 1 - Additional permitted uses of the SEPP WSEA to add "hardware and building supplies" and "garden centre" as an additional permitted use on the subject site can not be supported in this instance as it is considered that rather than permitting an additional use on the site, it would be appropriate to rezone the site to IN2 – Light Industrial under the SEPP WSEA. This would be consistent with the provisions of the Blacktown Principal LEP, as "hardware and building supplies" and "garden centres" are permissible under the standard instrument. Further, this would also facilitate the transfer of the site to an appropriate zone, when the Principal LEP would be made.

It is therefore recommended that the Planning Proposal be amended prior to exhibition to:

- rezone the land as IN2 - Light Industrial under SEPP WSEA (to allow Bunnings as Hardware and building supply and garden centre);
- introduce IN2 - Light Industrial as new zone in the SEPP WSEA and make the zone consistent with the Blacktown Principal Local Environmental Plan;
- provide maps consistent with the above.

SEPP WSEA

The proposal to rezone the site to IN2 – Light Industrial, will not in any way effect the other provisions of the SEPP WSEA.

The IN2 - Light Industrial zone (in the draft Blacktown Principal LEP) currently allows 'Hardware and Building Supplies' with consent, but Garden Centres are prohibited. It is noted that a Bunnings Warehouse would be permitted under the Hardware and Building Supplies definition, and therefore the IN2 zone will be suitable for this proposal.

Note: It may be noted that under the drop down options for 'which SEPPs have the RPA identified', SEPP No 59 - Central Western Sydney Economic and Employment Area is selected as the drop down does not have SEPP WSEA.

S117 Direction - 6.3 Site Specific Provisions

As noted before, the Planning Proposal is inconsistent with the Direction. Since, it is being recommended to rezone the site to IN2 – Light Industrial under the SEPP WSEA, rather than permitting "hardware and building supplies" and "garden supplies" as an additional use under Schedule 1, the Director General's agreement to the inconsistency is not required in this instance and hence not recommend.

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Consultation with Strategic and Land Release (SLR) Team

It is noted that the proponent consulted with the SLR Team before submitting the Planning Proposal to Blacktown City Council. The SLR team raised no objections in principle to the proposal (copy of the letter from SLR team is in documents).

Environmental social
economic impacts :

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Letter from Council.pdf	Proposal Covering Letter	Yes
Location Plan.pdf	Map	Yes
Letter from Strategic and Land Release Team.pdf	Determination Document	Yes
Planning Proposal.pdf	Proposal	Yes
Assessment of Traffic and Parking Implications.pdf	Study	Yes
Council's report.pdf	Determination Document	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

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S.117 directions:

- 1.1 Business and Industrial Zones
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that the Planning Proposal proceed subject to the following conditions:

1. Exhibited for 28 days;
2. Consultation with Transport for NSW – Roads and Maritime Services;
3. The Planning Proposal is to be completed within 6 months from the week following the Gateway determination.
4. The Planning Proposal be amended prior to exhibition to:
 - rezone the land as IN2 - Light Industrial under SEPP WSEA (to allow Bunnings as Hardware and building supply and garden centre);
 - introduce IN2 - Light Industrial as new zone in the SEPP WSEA and make the zone consistent with the Blacktown Principal Local Environmental Plan;
 - provide maps consistent with the above.

Supporting Reasons :

1. The proposal has been supported by the local Council.
2. An IN2 - Light Industrial zone would be consistent with the current draft Blacktown Principal LEP.
3. The proposal is consistent with current Department policy, ie, Bunnings Hardware can be located within industrial zones.
4. Bunnings Warehouses are permissible under the Hardware and Building Supplies definition.

Signature:



Printed Name:

STEPHEN GARDINER

Date:

7/9/2012