

PERTH
SYDNEY

29 November 2012

Our ref: 212.008L1

Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
23-33 Bridge Street
SYDNEY NSW 2000



TOWN PLANNING
AND URBAN DESIGN

**RE: REQUEST FOR REVIEW OF PLANNING PROPOSAL UNDER SECTION
54(2)(C) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT
1979**

17-19 SMITH STREET, CHATSWOOD

Dear Sir/Madam,

1.0 INTRODUCTION

With reference to the letter dated 16 November 2012 from the Department of Planning and Infrastructure (copy attached), we would like to thank you and your team for your feedback to date. This letter has been prepared on behalf of Fabcot Pty Ltd (Fabcot) which is a wholly owned subsidiary of Woolworths Limited, as the applicant for the above request to seek the review of the Planning Proposal (PP) for 17-19 Smith Street, Chatswood under Section 54(2)(c) of the *Environmental Planning and Assessment Act, 1979*.

To this extent, the applicant Fabcot has included with this application the following information:

1. Completed Application Form;
2. Cheque in the amount of \$5,000;
3. Land owners consent;
4. A hard copy of the Council report which considered the applicant's PP as submitted to Council (refer to Appendix 1 of the information enclosed);
5. A hard copy of the original PP prepared by City Plan Services (refer to Appendix 2 of the information enclosed);
6. A hard copy of a peer review by economic consultants AEC Group of the Council's economic report and the applicant's economic information as submitted with the PP (refer to Appendix 3);
7. A hard copy of letters of support from the local community (refer to Appendix 4);
8. A hard copy of the cover letter for the review submitted in July 2012 prepared by City Plan Services; and
9. An electronic copy of all the above information on the enclosed CD.

2.0 BACKGROUND

Council at its meeting held on 21 May 2012 considered on its agenda as part of Item 9.3 the applicant's PP.



It is the applicant's position that Council in its consideration of the PP, see **Appendix 1 of the information enclosed**, were not fully informed of and/or mislead as to the economic and employment issues relating to the site and the area, and therefore to the consequences of maintaining a Light Industrial zone on the site and area generally. Even if Council were to choose to maintain the IN2 zone (as indicated under the Draft LEP as exhibited) generally in the area, allowing an enabling clause on the subject site would not have a detrimental impact on the area in strategic land use or development terms but rather would have positive affects for the local community.

3.0 PURPOSE OF PP

The purpose of the PP prepared by City Plan Services provided at **Appendix 2** seeks the inclusion of an enabling clause which will allow a "supermarket" to be a permissible use within the 4(b) Light Industrial zone for the subject site under Willoughby Local Environmental Plan 1995 (WLEP 1995) or the proposed IN2 zone under the draft Local Environmental Plan, if gazetted. The proposed supermarket is considered to be consistent with the objectives of the 4(b) and draft IN2 zone in that the higher employment generation use will not adversely impact on the amenity of other surrounding land uses (low density residential) whilst providing for a compatible land use which serves the needs of the local workforce and residents.

The peer review report undertaken AEC Group and provided at **Appendix 3** concludes that the proposed changes will not have an unacceptable impact. In addition the review seeks to bring to the attention of the Department the changing nature of the 'East Chatswood industrial area' which shows there is demand for the introduction of a supermarket to this site:

- Of the 410 premises in the existing East Chatswood light industrial zone, 48% are offices and warehouses and only 3 premises (0.7%) are of an industrial nature;
- Of the 410 premises, 83 were vacant (20% vacancy rate);
- The proposed development would generate some 183 jobs given a jobs/square metre rate of 40/1000 square metres;
- By comparison, manufacturing uses provide 20/1000 square metres and warehouse/storage uses 5/1000 square metres; and simply retaining the Industrial zoning will not achieve the objective of creating jobs whereas our proposal, in conjunction with a more flexible zoning of the whole of the East Chatswood, would create the catalyst for employment growth and be consistent with the Section 117 Directions.
- SGS report for Council conceded that the current nature of the industrial area is insufficient to attract industrial uses and suggests that the current form of the industrial units needs to be redeveloped to have the potential to attract industrial occupancies in the future.

Specifically, the PP for a supermarket will create economic and community benefits, as follows:-

- Creation of some 183 jobs in an area that has suffered from a lack of employment and investment;
- A transitioning of traditional industrial areas where industrial development is highly unlikely due to its negative 16.5% return on investment to other non-industrial employment uses;
- A catalyst for development by adding a retail amenity such as a supermarket;

- Support from approximately 67% of the local community as evidenced by surveys and current news articles (see **Appendix 4**);
- Reduced traffic to Chatswood CBD by having a 'local' supermarket;
- An intersection upgrade of Smith Street with Eastern Valley Way endorsed by RMS; and
- Consumer choice – such choice being demanded by the community.

In response to the changing nature of the floor space demand in the area, the proposal demonstrates that an alternative zoning of the locality, generally, such as B5 Business Development could foster more flexible land uses which could reinvigorate the employment potential of the area.

More specifically, the introduction of a supermarket on this site would act as a catalyst which would have the potential to drive growth in the economic development of the area with the support of existing uses such as Bunnings, The Good Guys, Petbarn, Fitness First, Subway and other non-traditional industrial land uses.

It is noted that a number of existing Local Environmental Plans which have operated for over 20 years throughout the Sydney Metropolitan Area include clauses which enable outcomes similar to that requested for the land at Smith Street, Chatswood which have not resulted in detrimental strategic planning outcomes. TPG on behalf of Fabcot can provide details of the same to assist.

4.0 CONCLUSION

We respectfully request that the Department consider this request in light of all the supporting documents, and consult with Fabcot (along with their expert advisers) prior to forming a written response to the JRPP.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 02 9925 0444.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD



Marian Higgins
(Director)