

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.

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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)



Planning & Infrastructure

Pre-Gateway Review Application Form

Date received:

Reference No.

LODGEMENT

Instructions to users

This form is to be completed if you wish to request an independent review related to plan-making under Part 3 of the *Environmental Planning and Assessment Act 1979*. A review can be requested at pre-Gateway stage and following a Gateway determination. This form relates to pre-Gateway review requests.

A **pre-Gateway review** can be sought before a planning proposal has been submitted to the Department of Planning and Infrastructure (department) for a Gateway determination and in the following circumstances:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported; or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

Before lodging a request for review, it is recommended that you consult the Planning Circular '*Delegations and independent reviews of plan-making decisions*' and '*A guide to preparing local environmental plans*', which can be found on the department's website www.planning.nsw.gov.au. The guide gives a step-by-step explanation of the review procedure and submission requirements.

To ensure that your request for review is accepted, you must:

- complete **all** relevant parts of this form
- submit **all** relevant information required by this form, including the **initial fee**.
- provide **one hard copy** of this form and required documentation
- provide the form and documentation in **electronic format** (e.g. CD-ROM)

Note: Requests for review will not proceed to initial assessment stage unless the correct fee is provided.

The department may request further information if your request for review is incomplete or inadequate.

All requests **must be lodged** with the department's relevant Regional Office. Please refer to www.planning.nsw.gov.au for contact details.

PART A – APPLICANT AND SITE DETAILS

A1 – Applicant Details

Principal contact

☐ Mr ☒ Ms ☐ Mrs ☐ Dr ☐ Other

First name

MARIAN

Family name

HIGGINS

Name of company (N/A if an individual)

FABLOT C/- THE PLANNING GROUP

Street address

Unit/street no.

Street name

Suburb/town

State

Postcode

Postal address
(or mark 'as
above')

PO Box or Bag

Suburb or town

1612

NORTH SYDNEY

State

Postcode

Daytime telephone

Fax

NSW

2059

9925 0444

9925 0055

Email

marian.higgins@tpgsw.com.au

Mobile

0488 221 082

A2 – Site Details

Identify the land that is to be the subject of the planning instrument and for which you seek a review

Unit/street no.	Street name	
17-19	SMITH STREET	
Suburb/town	State	Postcode
CHATSWOOD	NSW	2067

NAME OF THE SITE

17-19 SMITH STREET CHATSWOOD.

REAL PROPERTY DESCRIPTION

LOT 101 DP 714 477

The **real property description** is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Finance and Services, Land and Property Information. Please ensure that you place a forward slash (/) to distinguish between the lot, section DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma (,) to distinguish between each real property description.

PROVIDE DETAILS OF ALL AFFECTED LANDOWNERS WHERE THEY ARE NOT THE DIRECT APPLICANT

REFER TO ATTACHED LETTER

HAVE ALL OWNERS OF LAND TO WHICH THIS PROPOSED INSTRUMENT APPLIES BEEN NOTIFIED?

- ☐ Yes
☐ No
☐ Some have but not all
☐ N/A (Applicant is owner)

Note: If some land owners, but not all, have been notified, list below those notified:

CURRENT ZONING OF THE LAND AT THE SITE

4(B) LIGHT INDUSTRIAL ZONE / IN2 ZONE

CURRENT LAND USE AT THE SITE

VACANT CAR SERVICE CENTRE

PART B – REASON FOR REVIEW AND THE PLANNING PROPOSAL

B1 – Reason for Pre-Gateway Review and the Relevant Planning Authority (RPA)

Indicate below the reason for seeking a pre-Gateway review. A review can only proceed if either of these two circumstances has occurred.



The council has confirmed in writing that the request to prepare a planning proposal is not supported. Confirmation dated



The council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

Indicate below whether the request to prepare a planning proposal was submitted to the council prior to November 2012?



Date: 17 July 2012

Note: If you have answered 'yes' to the above question, please note that a review can only be sought where the supporting information accompanying the request is less than two years old.

Note: If you have answered 'no' to the above question, please note that a review request accompanied by information that is more than 2 years old, may, but will not normally, be considered.

NAME OF THE LOCAL GOVERNMENT AREA

WILLOUGHBY

CONTACT DETAILS OF THE RELEVANT OFFICER AT RPA / COUNCIL

ALAN WOODHAMS

B2 – The Proposed Instrument

DESCRIPTION OF PROPOSED INSTRUMENT

ENABLE 'SUPERMARKET' AS PERMISSIBLE USE IN ZONE

LOCAL ENVIRONMENTAL PLAN (LEP) TO BE AMENDED BY THE PROPOSED INSTRUMENT

WILLOUGHBY LEP 1995 / WILLOUGHBY DRAFT LEP 2009

IS THE LEP TO BE AMENDED (ABOVE) A STANDARD INSTRUMENT LEP?

- ☒ Yes
☐ No

INFORMATION REQUIREMENTS

Pre-Gateway review requests will not be expected to be supported by as much information as what would be required for a planning proposal. However, requests must be accompanied by sufficient information to support and justify the request. Please refer to 'A guide to preparing local environmental plans' for the necessary information requirements.

Information requirements will differ from case to case. However, all requests must be accompanied by:

- site plan
- location plan
- zoning map(s)

INFORMATION PROVIDED

List below all the documents, maps, plans, studies, information and any other supporting information that comprises your proposed instrument and request for pre-gateway review.

REFER TO LETTER WITH ATTACHED INFORMATION

PART C – PAYMENT, DISCLOSURE AND SIGNATURES

C1 – Application Fees

You are required to pay an initial fee of \$5,000 so that the department can undertake an initial assessment together with other associated administrative tasks relating to your pre-Gateway review request.

Please note that further fee payments shall be required should your proposed instrument qualify for review. Further details can be found within 'A guide to preparing local environmental plans'.

Payment methods:

- Cheque / bank order

C2 – Donation and Gift Disclosure

Section 147 of the Environmental Planning and Assessment Act 1979 requires the public disclosure of *reportable political donations* or gifts when lodging or commenting on a *relevant planning application*. This law is designed to improve the transparency of the planning system.

DO YOU HAVE ANY DONATIONS OR GIFTS TO DISCLOSE?

- ☐ Yes
☒ No

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* or gift under section 147 of the Act is to be made:

- in, or in a statement accompanying, the relevant planning submission if the donation is made before the submission is made, or
- if the donation is made afterwards, in a statement of the person to whom the relevant planning submission was made within 7 days after the donation is made.

What information needs to be included in a disclosure?

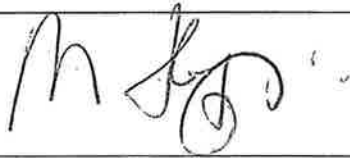
The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act. A Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General can be found on the department's website:

www.planning.nsw.gov.au/donation-and-gift-disclosure

C3 – Signature(s)

By signing below, I/we hereby declare that all information contained within this application form is accurate at the time of signing.

Signature(s)



Name(s)

MARIAN HIGGINS

In what capacity are you signing

APPLICANT

Date

21/11/2012