

9 January 2020

17648

Mr Jim Betts  
Secretary  
Department of Planning, Industry and Environment  
320 Pitt Street  
Sydney NSW 2000

Dear Mr Betts,

## **GATEWAY REVIEW APPLICATION DFO HOMBUSH, 1-5 UNDERWOOD ROAD, HOMEBUSH**

We write on behalf of Vicinity Centres requesting that the Department of Planning, Industry and Environment (DPIE) and the Eastern City District Planning Panel undertake a gateway review of the Planning Proposal that was lodged with Strathfield Council in respect of 1-5 Underwood Road, Homebush (the Site).

### **Purpose of Proposal**

The site currently operates, in accordance with a valid development consent, as a factory outlet specifically for the purpose of retailing and bulky goods and is known as DFO Homebush.

The site is currently zoned IN1 General Industrial Zone under Strathfield LEP 2012 and 'Shops' and 'Specialised Retail' are prohibited uses within the zone.

The Planning Proposal, which was lodged on 14 February 2019, seeks to amend Schedule 1 of the Strathfield Local Environmental Plan (SLEP) 2012 by including 'Shops' and 'Specialised Retail' as additional permitted uses for the site.

The benefit of such an amendment is that the development would not need to rely on existing use rights and the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 could be relied upon, negating the need to submit a development application each time a tenancy is refurbished which is the typical approach for similar retail assets .

A copy of the documentation originally submitted with the Planning Proposal is provided at **Appendix A**. Council's acceptance of the Planning Proposal is provided at **Appendix B**.

### **Strategic Merit and Site-specific Merit Test**

A detailed assessment of the strategic merits of the Planning Proposal was undertaken in the original application (see **Appendix A**). In summary, the proposal is considered to be of merit as:

1. The proposal is consistent with Both A Metropolis of Three Cities and the Eastern City District Plan in that:
  - a. The proposal will regularise existing land uses on the site allowing for the orderly operation of the existing DFO Homebush Centre, a significant employment generator in the region.
  - b. The proposal does not seek to alter the land use zoning, thus the existing IN1 zoning will prevail until such time as Council has undertaken its employment lands study that finds the industrial zoning to be superfluous to the site's existing use and operation.
  - c. The proposal does not facilitate an intensification of development on the site and therefore does not alter the infrastructure and servicing demands of the development.
  - d. The proposal does not inhibit the potential to alter the land use in the future as indicated might be appropriate in the Parramatta Road Urban Transformation Strategy and the Strathfield Local Strategic Plan, rather it regularises an existing use operating in accordance with a valid development consent.

2. The proposal is considered to have site specific merit in that:
  - a. The proposed amendment will enable the land uses currently operating on the site to be considered permissible with consent, removing the reliance on existing use rights;
  - b. The proposed amendments will align the existing uses with the current NSW-wide land use definitions of the Standard Instrument as opposed to the definitions prescribed by the Strathfield PSO;
  - c. The proposed amendment will enable the efficient ongoing operation of the DFO Homebush centre by increasing the opportunities for low-impact works to be assessed and determined as complying development;
  - d. The proposed amendments do not facilitate an intensification of the existing land use and therefore do not give rise to increased demand on existing infrastructure;
  - e. Overall, the proposal will enable the orderly and economic use of the DFO Homebush centre and the site, consistent with the clause 1.3(g) of the EP&A Act 1979, without altering the desired planning outcomes for the site.

#### **Support from Council Planning Officers and Strathfield Local Planning Panel**

Following an assessment of the Planning Proposal, Council's planning officers reported the application to the Strathfield Local Planning Panel (LPP) on 4 April 2019. The report is provided at **Appendix C**. The officers supported the proposed amendments and recommended that Council support the Planning Proposal and forward it to the DPIE for a Gateway Determination.

Subsequently, the LPP unanimously supported the recommendation of the planning officer. A copy of the LPP meeting minutes is provided at **Attachment D**.

#### **Opposition from Strathfield Councillors**

The Planning Proposal was not reported to a Council meeting but was rather discussed at a meeting of all the Councillors on the 18<sup>th</sup> May 2019. There was no opportunity for the applicant to present at that meeting.

The Councillors resolved the following:

- 1) *That they would not support the recommendation of the SLPP.*
- 2) *That they do not support the Planning Proposal seeking amendment to the SLEP 2012 to amend Schedule 1 Additional permitted uses.*
- 3) *That they not consider the Planning Proposal until the applicant provides documentation to the Council detailing their future development plans for the site.*

A copy of the letter received from Council is provided at **Appendix E**.

Vicinity Centres responded to Council by way of a letter dated 21 June 2019 (**Appendix F**). In that letter Vicinity Centres reaffirmed that:

- The objective of the Planning Proposal is to facilitate the efficient and orderly ongoing operation of the DFO shopping centre.
- That the planning proposal was administrative only, seeking to add only 'Shops' and 'Specialised Retail' uses as additional permitted uses. It would not affect the density controls applying to the site and would not add any additional uses that were not already operating on the site. In particular, it would not allow for residential land use which appears to be the key concern of the councillors.
- That Vicinity did not have any long-term plans formulated for the centre yet but would be willing to work with Council as part of its strategic planning process through the formulation of the Local Strategic Planning Process.

Vicinity is yet to receive a formal response to the above letter. However, Council's planning officer has advised (refer **Appendix G**) that the matter was considered again at a Councillor workshop on Tuesday 27 November 2019, where the Councillors resolved to go into a Committee of the whole and voted on this proposal. The officer has

advised that the Councillors were unanimous in their vote to reject the Planning Proposal and not forward it to the Department for a gateway determination.

As of the date of this letter, Vicinity Centres still has not received any formal resolution or decision from Council. It is therefore requested that the DPIE and Eastern City District Planning Panel undertake a Gateway Review of the Planning Proposal. A review is warranted as both council planning officers and the Local Planning Panel have supported the proposal. The Councillors objection to the proposal appears to be based on a concern that the proposal would lead to the use of the site for residential purposes. This concern is unfounded as the proposal would not make residential land uses permissible on the site but would rather allow for the more efficient use of the site as the DFO Homebush centre.

We trust that the enclosed documents provide sufficient information to undertake the review. Please feel free to contact me on the details over the page should you have any questions or require any further information.

Yours sincerely,



**Jennie Buchanan**  
Director  
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**Appendix A** Planning Proposal lodged with Strathfield Council

**Appendix B** Stamped application form and email from Strathfield Council dated 14 February 2019 confirming acceptance of the Planning Proposal

**Appendix C** Assessment report prepared by planning staff of Strathfield Council recommending support of the Planning Proposal

**Appendix D** Minutes of the Strathfield Local Planning Panel Meeting dated 4 April confirming unanimous support for the Planning Proposal

**Appendix E** Correspondence from Strathfield Council explaining that the Strathfield Councillors would not support the Planning Proposal

**Appendix F** Response from Vicinity Centres providing further justification for the Planning Proposal

**Appendix G** Further correspondence from Council explaining that Councillors do not support the Planning Proposal

