

## Planning Proposal

1-5 Underwood Road, Homebush  
Amendment to the Strathfield Local Environmental  
Plan 2012

Submitted to Strathfield Council  
On behalf of Vicinity Centres

12 February 2019 | 17468



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	<i>Ethos Urban</i>

## 1.0 Introduction

This report has been prepared by Ethos Urban in support of a Planning Proposal to amend the *Strathfield Local Environmental Plan 2012* (SLEP 2012). This report has been prepared on behalf of Vicinity Centres (the Landowner) and relates to 1-5 Underwood Road, Homebush (the site).

The objective of this Planning Proposal is to facilitate the orderly use of the existing DFO Homebush centre currently operating on the site. The existing land uses, namely shops and specialised retail, are currently prohibited in the IN1 General Industrial zone that applies to the site. The existing centre currently operates under 'existing use rights' (within the meaning of Division 4.11 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979)).

The proposed amendments relate exclusively to Schedule 1 Additional Permitted Uses of the SLEP 2012, to permit 'shops' and 'specialised' retail on the site. A description and justification of the proposed amendments are detailed in **Section 4.0**. This proposal does not propose to alter the land use zone or any development standard that applies to the site, nor does it involve changes to the Strathfield Consolidated Development Control Plan 2005.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment (DPE). **Section 5.0** of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, State Environmental Planning Policies, Ministerial Directions and the environmental, social and economic impacts of the proposed amendment.

## 2.0 Background

The site has been the subject of an extensive planning history with key approvals detailed below. It is noted that the intent of the Planning Proposal is to rationalise the various approvals that apply to the site, resulting in a more homogenous operation of the existing DFO Homebush.

### 2.1 Development Consent DA9900/377

In May 2000 development consent was granted to DA9900/377 for alterations to Level 3 of the existing distribution centre on the site, for use of this level as a factory outlet centre (now known as DFO Homebush) and the continued use of Level 2 as an exhibition space. The approval related specifically to Level 3 and the existing floor space on the 'mezzanine' level of Level 2. It did not relate to the Woolworths distribution centre below on Level 1. This remains the applicable consent for retail uses within Level 3 of the DFO Homebush.

### 2.2 Development Consent DA2008/087

In 2009, consent was granted by the Land and Environment Court to DA2008/87 for alterations and additions to level 2 of a Woolworths distribution centre to enable a change of use to a bulky goods retail centre now known as DFO (Direct Factory Outlet).

This consent (as amended) combined with the previous DFO approval, permitted a total of 42,209m<sup>2</sup> of Gross Floor Area (GFA) on the site with the following land use breakdown:

- Bulky goods retailing (Level 2): 19,817m<sup>2</sup> GFA; and
- DFO retailing (Level 3): 22,451m<sup>2</sup> GFA<sup>1</sup>.

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<sup>1</sup> It is noted that the DFO retailing was existing on the site at the time of DA2008/87, in accordance with DA99/337.

At the time of this consent the site was subject to the *Strathfield Planning Scheme Ordinance 1969* (Strathfield PSO), which included site-specific provisions that enabled development for the sale of retail items from a bulky goods, sales room or showroom on the site, subject to certain provisions being satisfied.

In accordance with Condition 2.1 of DA2008/87, separate Development Applications (DA) were lodged with and approved by Council for the fit-out and use of each of the tenancies on Level 2. These works were not completed as Complying Development owing to SLEP 2012 being in force that prohibited bulky goods retailing within the IN1 zone and as such prevents the fit-out and use of these tenancies to be completed under a Complying Development Certificate (see **Section 2.4**).

Accordingly, each of the Level 2 tenancies relies on the approval of DA2008/87 to permit the use of each tenancy and must demonstrate in each subsequent application that the proposed use meets the definition of a 'bulky goods salesroom or showroom' under the Strathfield PSO.

## **2.3 Complying Development at DFO Homebush**

*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP) establishes the requirements in which development must be satisfied in order to qualify as 'Exempt or Complying Development'. The Codes SEPP was introduced in NSW to streamline the planning assessment process for simple and compliant development to reduce the need for development applications to be made to local Councils. This instrument has widespread use in retail centres and changes in tenants can be processed as either exempt or complying development in most cases.

To meet the requirements of Complying Development, a proposal must be permitted with development consent in its applicable land use zone. As retail uses are prohibited within the IN1 General Industrial zone, complying development is not an available process on the DFO Homebush site for the majority of tenants of the centre. Therefore, unless the development meets the requirements of exempt development, a development application is required to be prepared, assessed and determined by Council under the existing use rights afforded by the above consents, for development that would ordinarily be considered complying development.

## **2.4 Pre-lodgement Consultation**

### **Strathfield Council**

Ahead of preparing and submitting this Planning Proposal, Vicinity Centres has met with Council to discuss the short-, medium- and long-term objectives for the DFO Homebush site and how this accords with the strategic planning framework for the Strathfield LGA. As an outcome of meetings held with Council (15 March, 10 October and 26 November 2018), Vicinity Centres has elected to proceed with this proposal, seeking to regularise the existing land uses operating on the site. This will provide for complying development opportunities on the site and reduce the need for minor works to be the subject of development applications with Council.

Vicinity Centres are continuing to actively engage with Council as to the long-term planning for the site, as part of a comprehensive review of the SLEP 2012 being completed to implement the District Plans finalised in 2018. The proposed amendments to the SLEP 2012 that form part of this Planning Proposal do not limit or pre-empt the strategic planning review currently underway.

### **Department of Planning and Environment**

The Department of Planning and Environment (DPE) are currently progressing a strategic planning exercise for the Homebush Precinct under the Greater Parramatta Priority Growth Area in which the site is located. Vicinity Centres has met twice with DPE staff to discuss the long-term vision for the DFO Homebush centre and how this relates to the strategic importance of the Greater Parramatta Olympic Park (GPOP) corridor. The proposed amendments to the SLEP 2012 that form part of this Planning Proposal do not limit or pre-empt the outcomes of the Homebush Precinct plan.



### 3.0 The Site

#### 3.1 Site Description

The site is located within the suburb of Homebush and the Strathfield Local Government Area (LGA). The site is located north-east of the Homebush Bay Drive and the M4 Western Motorway intersection, as shown in **Figure 1**. The site is located at the edge of the Strathfield LGA boundary, aligning with the Parramatta LGA boundary to the north.

The site, known as 1-5 Underwood Road, is located on the southern corner of Underwood Road and Homebush Bay Drive intersection (as illustrated in **Figure 1**). The site is legally described as Lot 100 DP 1042833. The lot is irregular in shape and has an area of approximately 5.2 hectares. The site has a frontage to Homebush Bay Drive of approximately 220m and Underwood Road of approximately 80m.

The site currently contains a large commercial/warehouse building of three levels (as illustrated in **Figures 3-12**). The upper levels of the building consist of a direct factory outlet (DFO) retail centre with approximately 79 tenancies. Vehicle access to the site is provided by Homebush Bay Drive and Underwood Road leading to a multi-storey car parking located south of the site. The site currently operates in accordance with the development consents as described in **Section 2.0**.



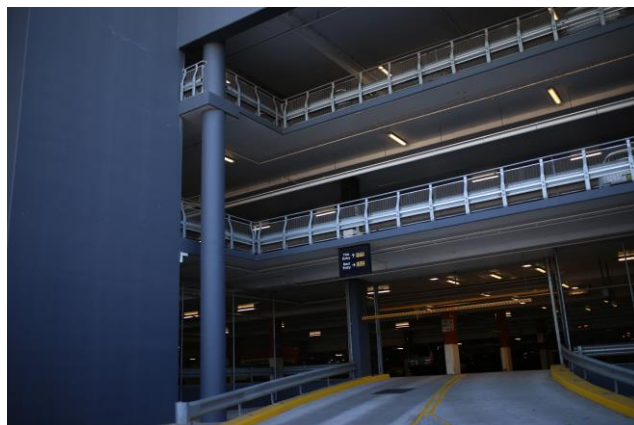
**Figure 1** Aerial photograph identifying the site boundaries

Source: Nearmap, Ethos Urban



**Figure 2** DFO Homebush's frontage to Underwood Road

Source: Ethos Urban



**Figure 3** Vehicle access to the multi-storey car park on the site

Source: Ethos Urban:



**Figure 4** Level 2 of the DFO Homebush

Source: Ethos Urban



**Figure 5** Level 2 of the DFO Homebush

Source: Ethos Urban



**Figure 6** Level 2 of the DFO Homebush

Source: Ethos Urban



**Figure 7** External car parking area located south of the site

Source: Ethos Urban





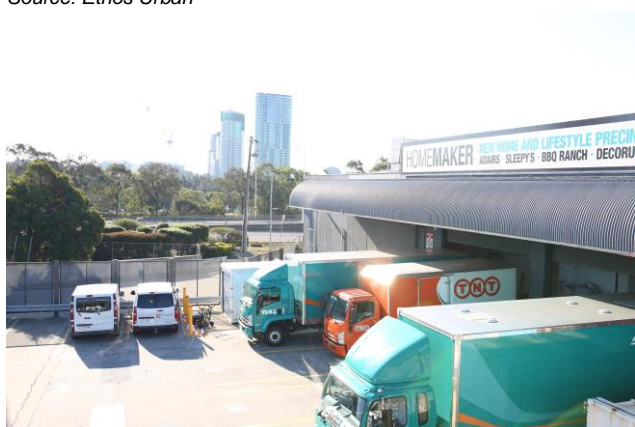
**Figure 8** Homebush Bay Drive overpass, located immediately north of the site

Source: Ethos Urban



**Figure 9** Loading entrance located adjacent Homebush Bay Drive (site's north-west boundary)

Source: Ethos Urban



**Figure 10** Loading area located west of the site

Source: Ethos Urban



**Figure 11** Coach parking located along the site's frontage to Underwood Road

Source: Ethos Urban

### 3.2 Strategic Context

The site's strategic context is described in **Figure 13** and is located within an area that is undergoing significant transition in line with multiple strategic planning policies. A Metropolis of Three Cities – the Greater Sydney Region Plan, reinforces the strategic importance of the Greater Parramatta to Olympic Peninsula (GPOP) corridor as a primary growth corridor to provide jobs, housing and community facilities to service the Central City. The (GPOP) is a 4,000 hectare Priority Precinct earmarked for significant development and urban renewal. The site is specifically identified as being within 'Precinct 12' of the GPOP, and within the greater 'Olympic Park Lifestyle Super Precinct' when combined with other precincts to the north and west.

The site also forms part of the Parramatta Road Corridor Urban Transformation Strategy. The strategy is informed by a number of Strategic Actions developed around housing choice and affordability, a diverse and resilient economy, access, community infrastructure, green spaces and links, and sustainability and resilience. The Homebush Precinct of this plan, in which the site is located, is targeted to accommodate 1,030,000m<sup>2</sup> of residential GFA and 283,000m<sup>2</sup> of employment GFA by 2050. The site is also in proximity of a number of significant medium-term transport projects including Sydney West Metro and Parramatta Light Rail.

### 3.3 Surrounding Development

The site is surrounded by various land uses, including industrial (by way of electricity infrastructure), commercial and residential uses, in addition to the recreation lands of Sydney Olympic Park:

- **North:** Public open space, providing local sporting fields at Mason Park, regional open space of Bicentennial Park as well as the sporting and leisure facilities associated with Sydney Olympic Park.

- **East:** Industrial office development directly adjoins the site to the east on Underwood Road. Further east of the site is North Strathfield and Concord West Stations, and low-medium density residential development within the suburbs of Homebush, North Strathfield and Concord West.
- **South:** Infrastructure services adjoin the site directly to the south. Further to the south provides services associated with WestConnex construction and the M4 motorway. Beyond the motorway is the Flemington Market precinct.
- **West:** An electricity substation is located on the western boundary of the site. Further west are sporting facilities associated with Sydney Olympic Park. Also to the west, a new school site is to be located on Rod Laver Drive. The school has been identified to receive funding in 2018/2019, with site investigation works currently ongoing



**Figure 12** The site within its surrounding context

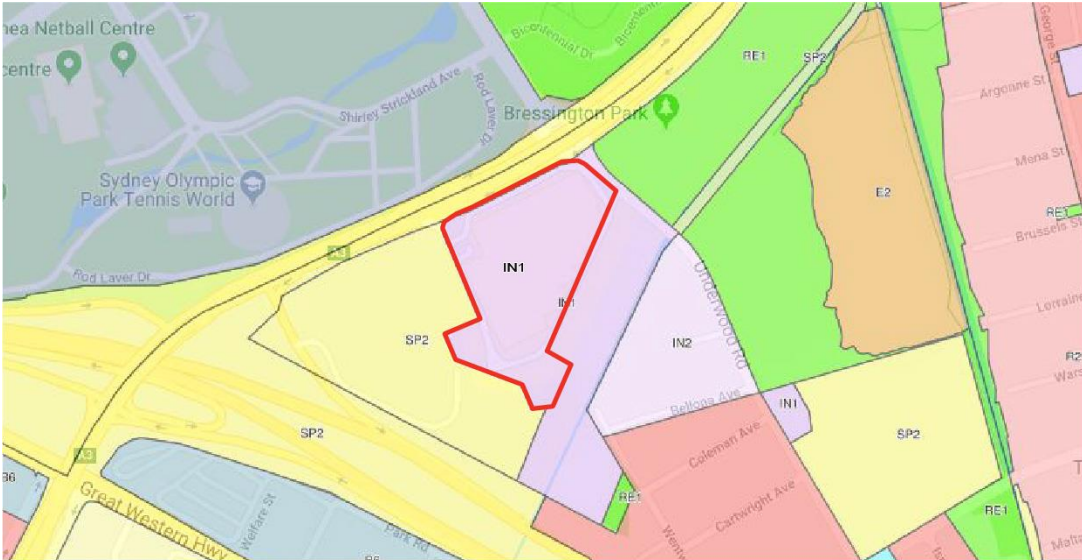
Source: Google, Ethos Urban



### 3.4 Current Planning Controls

The primary planning instrument applying to the site is the Strathfield Local Environmental Plan 2012 (SLEP 2012). The current planning controls applying to the site are described in **Table 1**.

**Table 1** Applicable planning controls as specified in SLEP 2012

Clause	Control
Land Use Zone	<p>The site is zoned <b>IN1 - General Industrial</b> under the SLEP 2012</p>  <p>Site Boundaries</p> <p><b>1. Objectives of Zone</b></p> <ul style="list-style-type: none"> <li>To provide a wide range of industrial and warehouse land uses.</li> <li>To encourage employment opportunities.</li> <li>To minimise any adverse effect of industry on other land uses.</li> <li>To support and protect industrial land for industrial uses.</li> <li>To minimise fragmentation of valuable industrial land, and provide large sites for integrated and large floorplate activities.</li> </ul> <p><b>2. Permitted without consent</b> Nil</p> <p><b>3. Permitted with consent</b> Agricultural produce industries; Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental protection works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Roads; Sex services premises; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies</p> <p><b>4. Prohibited</b> Any development not specified in item 2 or 3</p> <p>As the existing uses are not specified as permitted with consent, they are prohibited in the IN1 General Industrial zone.</p>
Height of Building	12 metres
Floor Space Ratio	1:1
Heritage	Not applicable

## 4.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'A Guide to Preparing Planning Proposals' prepared DPE. The guide requires the following matters be addressed:

- Objectives and intended outcomes of the amendment to the LEP;
- Explanation of provisions;
- Justification;
- Relationship to strategic planning frameworks;
- Environmental, social and economic impact;
- State and Commonwealth interests; and
- Community consultation.

The following Section outlines the objectives, intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is addressed in **Section 5.0** of this report.

### 4.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to facilitate the orderly and efficient ongoing operation of the existing DFO Homebush centre in its current form. As the existing land uses are prohibited on the site, the current operation of the centre relies on the 'existing use rights' as described in **Section 2.3**. The prohibition of the existing uses prevents works relating to the DFO Homebush centre from being sought as complying development, and the subsequent issue of Complying Development Certificates (CDC).

This Planning Proposal intends to rectify the above prohibitions by amending Schedule 1 of the SLEP 2012 to list 'shops' and 'specialised retail' as additional permitted uses on the site<sup>2</sup>. This amendment would align the permissible land uses with the existing land uses operating on the site in accordance with the active development consents described in **Section 2**. This amendment is intended to bring the land use definitions applying to operation of the site into line with the current planning framework, being the Standard Instrument, as opposed to the Strathfield PSO.

In permitting shops and specialised retail on the site, this will open opportunities for complying development for specific development and reduce the need for individual development applications to be lodged for minor work and change of tenants, in line with the intended implementation of the Codes SEPP.

It should be noted that this proposed does not seek to alter the IN1 zoning which applies to the site. The proposal does not seek to alter the development standards applying to the site or any further provisions in the SLEP.

<sup>2</sup> The Strathfield Local Environmental Plan 2012 defines 'shops' and 'specialised retail' as the following:

**shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

**specialised retail premises** means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Both 'shops' and 'specialised retail' are defined as a 'retail premises' under the SLEP 2012. Retail premises is defined as the following:

**retail premises** means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following:

...

- (l) shops,
- (la) specialised retail premises



## 4.2 Explanation of Provisions

The intended outcome will be achieved through an amendment to Schedule 1 of the SLEP 2012. Schedule 1 identifies additional permitted uses on certain sites within the Strathfield LGA. An additional clause to be included within Schedule 1 is detailed below:

### **4. Use of certain land at 1-5 Underwood Road, Homebush**

- (1) *This clause applies to land at 1-5 Underwood Road, Homebush, identified as “Item 4” on the Additional Permitted Uses Map.*
- (2) *Development for the purpose of shops is permitted with development consent.*
- (3) *Development for the purpose of specialised retail is permitted with development consent.*

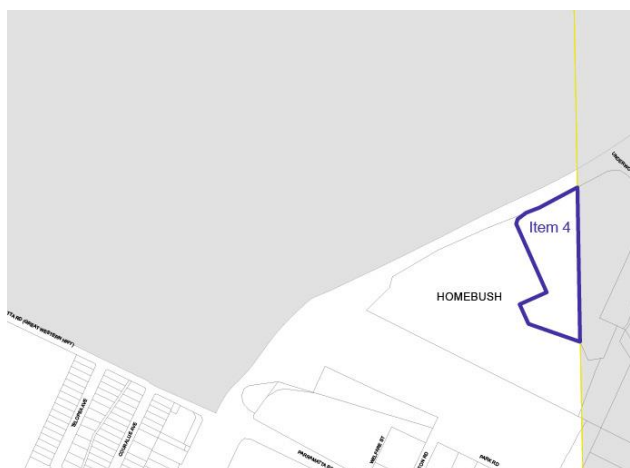
## 4.3 Mapping

The proposed amendments would require the identification of the site within the SLEP 2012 Additional Permitted Uses Maps. The subject site would be identified as “Item 4”. The boundary of the existing site is identified in both Additional Permitted Uses Maps APU\_001 and APU\_004. The proposed amendments are illustrated in **Figure 13-14**. The proposed Additional Permitted Uses Maps APU\_001 and APU\_004 are included in **Appendix A**.



**Figure 13 Strathfield 2012 LEP Map Additional Permitted Uses (MAP APU\_004) with amendments**

Source: Strathfield Local Environmental Plans 2012, edits by Ethos Urban



**Figure 14 Strathfield 2012 LEP Map Additional Permitted Uses (MAP APU\_001) with amendments**

Source: Strathfield Local Environmental Plans 2012, edits by Ethos Urban

## 5.0 Strategic Justification

### 5.1 The Need for a Planning Proposal

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

No. The Planning Proposal only relates to regularising the existing uses on the site with the planning framework, by applying the Standard Instrument definitions and making the specific land uses permissible with consent. The proposed amendment does not propose wholesale uses or built form changes.

#### Q2 – Is the Planning Proposal the best means of achieving the intended outcome?

Yes. In preparing this Planning Proposal, four options were considered to facilitate the intended outcomes as set out in **Section 4.1**. These are listed and discussed below:

- **Option 1:** Maintain current operations under 'existing use rights' (Do Nothing);
- **Option 2:** Amend the land use table of the SLEP to permit shops and specialised retail with consent in the IN1 General Industrial zone;
- **Option 3:** Rezone the site to B4 mixed use;
- **Option 4:** Rezone the site to R3 Medium Density Residential; and
- **Option 4:** Add 'shops' and 'specialised retail premises' as additional permitted uses on the site (**This Proposal**).

#### Option 1 – Maintain current operations under 'existing use rights' (Do Nothing)

This option is not desirable as it does not rationalise the site's operation. In maintaining the status-quo, current and future tenants of the DFO Homebush centre are required to lodge a DA for a change of use and minor works. These works would otherwise be sought under the Complying Development pathway if their use was permissible on the site. As such, this option is inconsistent with the aims of the Codes SEPP which generally seek to streamline the assessment process for development resulting in minimal environmental impact. Additionally, DAs relating to land use would be required to continue to rely on existing use rights and be assessed against the land use definitions of the Strathfield PSO in contrast to the NSW-wide standard definitions. This option is viewed as a sub-optimal outcome and has not been pursued as it does not allow for a transparent and consistent understanding of the planning framework as understood by the general public.

#### Option 2 – Amend the land use table of the SLEP to permit shops and specialised retail with consent in the IN1 General Industrial zone.

Whilst this option would facilitate the outcomes and objectives set out in **Section 4.1**, it would have the unintended consequence of permitting the specified land uses on all IN1-zoned land within the SLEP 2012. Accordingly, this option is not considered appropriate in the circumstances as it results in a significant change to industrial lands within the LGA and go beyond the intended site-specific resolution sought by this Planning Proposal.

#### Option 3 – Rezone the site to B4 Mixed Use

Both 'shops' and 'specialised retail' are permissible with consent in the B4 Mixed Use zone as these land uses are included within the umbrella definition of commercial premises. Whilst rezoning the site to B4 would achieve the objective to permit the existing land uses on the site, the range of other land uses permissible as a consequence would represent a significant land use change that is beyond the scope of the planning framework and infrastructure services at this time. This option would also limit the potential future use of the site for industrial purposes.

Opportunities and constraints for broadscale land use change should be considered as part of the strategic review being conducted by both Council and the DPE.

#### Option 4 – Rezone the site to R3 Medium Density Residential

The Parramatta Road Corridor Urban Transformation Strategy recommends a R3 Medium Density land use zone for the site as part of the delivery of the Strategy. 'Shops' and 'specialised retail' are prohibited in the R3 zone and therefore this option does not achieve the intended outcomes of this Planning Proposal.

## **Option 5 – Add ‘shops’ and ‘specialised retail premises’ as additional permitted uses on the site**

This Planning Proposal seeks to add ‘shops’ and ‘specialised retail’ as additional permitted uses on the site without amending the land use zone. This option provides a site-specific solution to rectify the prohibition of the existing uses without altering the primary planning controls and objectives that apply. This option achieves the intended objectives of the Planning Proposal without limiting the future strategic review of the site and the consideration of long term land use change in accordance with the strategic planning framework.

## **5.2 Relationship with the Strategic Planning Framework**

### **5.2.1 Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

*A Guide to Preparing Planning Proposals* sets out that in order to respond to Q3, a planning proposal needs to justify that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below.

#### **a) Does the proposal have strategic merit?**

For the proposal to be considered to have strategic merit, it is required to give effect to the Greater Sydney Regional Plan and the relevant district plan, in this case both the Eastern City District Plan and the Central City District Plan are relevant to the proposal. The Parramatta Road Corridor Urban Transformation Strategy is also a mandated strategic plan applying to the site. The proposal gives effect to, and does not impede the ongoing implementation of these strategic plans as demonstrated below.

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

A Metropolis of Three Cities – the Greater Sydney Region Plan was released by the Greater Sydney Commission in 2018. The Plan sets out the strategic vision and objectives for the Greater Sydney area. Specifically, the Plan details objectives for a Productive City which are relevant to the proposal, these include:

- Objective 15: The Eastern, Greater Parramatta and Olympic Peninsula (GPOP) and Western Economic Corridors are better connected and more competitive;
- Objective 22: Investment and business activity in centres; and
- Objective 23: Industrial and urban services land is planned, retained and managed;

Facilitating shops and specialised retail within the existing industrial lands of the DFO Homebush, as sought by this Planning Proposal, is consistent with the above objectives. The Planning Proposal will support the continued use of the site for economic purposes by permitting a more orderly operation of the DFO Homebush centre. Further, the Planning Proposal will retain the existing IN1 General Industrial land use zoning of the site (consistent with Objective 23 of the Region Plan) or until such time that an employment lands study finds the industrial zoning to be superfluous to the site’s existing use and operation.

#### ***Eastern City District Plan***

This Planning Proposal gives effect to the Eastern City District Plan in that:

- It is consistent with Planning Priority E11 as it regularises the existing land uses on the site, allowing for the orderly operation of the existing DFO Homebush centre, which is a significant employment generator in the local area;
- The site is not bound by the industrial lands strategies and actions of Planning Priority E12 as it is located on land to which the Parramatta Road Corridor Urban Transformation Strategy applies. Notwithstanding this, the proposal retains the existing IN1 zoning applying to the site and does not prevent the potential future use of the site for industrial or urban services;
- The proposal does not facilitate an intensification of development on the site and therefore does not alter the infrastructure and servicing demands, remaining consistent with Planning Priority E1 and E10; and

- The proposal does not impede the implementation of other Planning Priorities within the Eastern City District Plan, including priorities on liveability and sustainability.

### ***Central City District Plan***

The site is located on the boundary of the Central City District Plan and it is therefore this proposal has sought to give effect to the Central City District Plan in that:

- The site is located within the GOP corridor and consistent with Planning Priority C7 and C8, this Planning Proposal will enable the efficient and competitive operation of the existing DFO Homebush centre, a significant employment generator and support to the GOP economy;
- The proposal does not facilitate an intensification of development on the site and therefore does not alter the infrastructure and servicing demands, remaining consistent with the actions detailed in Planning Priority C8 and C9;
- It is consistent with Planning Priority C10 in that the proposal facilitates the streamlined change over of tenants within the DFO Homebush centre to continue to meet the goods and services needs of the local community as an extension of the Sydney Olympic Park strategic centre; and
- The proposal does not impede the implementation of other Planning Priorities within the Central City District Plan, including priorities on liveability and sustainability.

### ***Parramatta Road Corridor Urban Transformation Strategy***

The site is located within the Parramatta Road Corridor Urban Transformation Urban Renewal Area, and as such, the Parramatta Road Corridor Urban Transformation Strategy (the Corridor Strategy) applies to the site. The Strategy sets out the long-term visions and framework to support co-ordinated employment and housing growth in the Parramatta Road Corridor. The Strategy identifies Parramatta Road as Sydney's 'economic spine', employing over 50,000 workers within the corridor.

The Corridor Strategy identifies the site as a future R3 Medium Density Residential zones, with relevant development standards to deliver this type of development. Whilst this Planning Proposal does not directly implement the R3 land use zone, it remains consistent with the Corridor Strategy for the following reasons:

- The proposed inclusion of additional permitted uses on the site does not restrict the future rezoning of the site to R3 consistent with the Strategy;
- The inclusion of 'shops' and 'specialised retail' does not impede the attainment of the R3 zone objectives in that it enables other uses on the site that will service the day-to-day needs of future residents within the precinct;
- The proposal does not facilitate an intensification of the existing land use and accordingly does not give rise to any increased infrastructure demands;
- Pre-lodgement consultation has been undertaken with Council to determine the appropriateness of the site-specific provisions to resolve the existing use rights at DFO Homebush; and
- The proposal does not impede the delivery of the objectives of the Strategy, particularly in relation to urban renewal, sustainability and infrastructure provision.

### **b) Does the proposal have site-specific merit?**

Yes. The proposal has site-specific merit.

The existing planning framework applying to the site gives rise to a number of undesirable planning outcomes due to the reliance on existing use rights and the reliance on out-dated planning controls of the Strathfield PSO. As described in **Section 4.1**, this Planning Proposal seeks a site-specific solution to align the relevant planning controls with existing operations of the DFO Homebush centre. As set out in **Section 5.1**, identifying the specific existing land uses as additional uses permitted on the site (by way of amendment to Schedule 1 of the SLEP 2012) represents the optimum planning pathway. The Planning Proposal has site-specific merit for the following reasons:

- 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;

- 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;
- 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;
- 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;
- 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.

### Summary

This Planning Proposal achieves the assessment criteria as it demonstrates both strategic merit and site-specific merit. Therefore, it is considered that this Planning Proposal meets the Strategic Merit Test. It is noted that SLEP 2012 is greater than five years old. Accordingly, the amendments to the SLEP 2012 as sought by this Planning Proposal will not undermine the strategic merit of the SLEP 2012 itself. This is consistent with the Planning Proposal assessment criteria as detailed in the *A Guide to Preparing Planning Proposals*. Such an amendment is considered reasonable in the lifespan of the SLEP 2012.

### Q4 – Is the Planning Proposal consistent with a Council’s local strategy or other local strategic plan?

No relevant Council strategies apply to the site or the proposed amendments. However, this Planning Proposal does not prevent or limit any future local strategies.

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

Yes. An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 2** below.

**Table 2 Consistency with State Environmental Planning Policies**

SEPP	Consistency		N/A	Comment
	Yes	No		
SEPP No. 1 Development Standards			✓	SEPP 1 does not apply to Strathfield Council.
SEPP (State and Regional Development) 2011			✓	Not relevant to proposed LEP amendment.
SEPP (Affordable Rental Housing)			✓	Not relevant to proposed LEP amendment.
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. It is noted that the proposed amendments would allow future development to be sought as Exempt or Complying Development.
SEPP No. 55 Remediation of Land			✓	Not relevant to proposed LEP amendment.
SEPP No. 64 Advertising and Signage			✓	Not relevant to proposed LEP amendment,
SEPP No. 65 Design Quality of Residential Apartment Development			✓	This Planning Proposal will not change the current permissibility of residential uses on the subject site. Residential uses will remain prohibited on the site.

### Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. An assessment of the Planning Proposal against applicable section 9.1 Directions is set out in **Table 3** below.



**Table 3 Consistency with section 9.1 directions**

Direction	Consistency			Comment
	Yes	No	N/A	
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			<p>The proposal is intended to rationalise the centre’s operation by making the existing retail uses on the subject site. It does not propose to amend conditions relating to height of building and floor space ratio. Accordingly, the proposal will not result in a change in floor space currently existing of the DFO Homebush centre.</p> <p>The proposal is consistent within this Direction as it facilitates additional uses on industrial lands while retaining the current industrial zoning. The proposal specifically seeks additional uses as a means of retaining the existing industrial land uses and industrial land stock, rather than a rezoning.</p>
1.2 Rural Zones			✓	The proposal is not applicable to rural areas
1.3 Mining, Petroleum Production and Extractive Industries			✓	The proposal is not relevant to extractive industries
1.4 Oyster Aquaculture			✓	The proposal is not relevant to oyster aquaculture
1.5 Rural Lands			✓	The proposal is not applicable to rural areas
2 Environment and Heritage				
2.1 Environmental Protection Zones			✓	The proposal does not affect Environmental Protection Zones
2.2 Coastal Protection			✓	The site is not within a coastal zone.
2.3 Heritage Conservation			✓	The site is not within a heritage conservation area and is not identified as an item of heritage significance.
2.4 Recreational Vehicle Area			✓	The site is not within a recreational vehicle area
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones			✓	The proposal does not result in residential land uses
3.2 Caravan Parks and Manufactured Home Estates			✓	The proposal is not relevant to caravan parks or estate homes
3.3 Home Occupations			✓	No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies to Planning Proposals that relate to industrial zones. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"><li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li><li>The Right Place for Business and Services – Planning Policy (DUAP 2001).</li></ul> <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will not alter the transport demands of the existing DFO Homebush Centre.</p>
3.5 Development Near Licensed Aerodromes			✓	The proposal is unrelated to aerodromes
3.6 Shooting Ranges			✓	The proposal is unrelated to shooting ranges
4. Hazard and Risk				
4.1 Acid Sulfate Soil			✓	The Planning Proposal does not incorporate built form construction.
4.2 Mine Subsidence and Unstable Land			✓	The proposal is not related to mining activities.

Direction	Consistency			Comment
	Yes	No	N/A	
4.3 Flood Prone Land			✓	The proposal will not affect the existing flood risk to the site.
4.4 Planning for Bushfire Protection			✓	The site is not identified as being at risk of bushfire
<b>5. Regional Planning</b>				
5. Regional Planning			✓	The site is not identified within the areas defined by this Direction.
<b>6. Local Plan Making</b>				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	✓			This Planning Proposal is consistent with this Direction as it facilitates the additional uses without imposing development standards or requirements in addition to those already contained in the SLEP 2012.  Restrictive site-specific planning controls are not proposed; therefore this Planning Proposal is consistent with the objectives and requirements of this direction.
<b>7. Metropolitan Planning</b>				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent with the applicable metropolitan plan (now <i>A Metropolis of Three Cities</i> ), as discussed in <b>Section 5.2.1</b> .

### 5.3 Environmental, Social and Economic Impacts

#### 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 Planning Proposal relates to a site currently designated for industrial use and currently operating as a bulky goods and retail centre. The site is free from significant vegetation. Further, this Planning Proposal seeks to rationalise existing retail uses of the DFO Homebush centre and does not facilitate significant built form works or an intensification of the existing land use. As such, the Planning Proposal will have a negligible effect on the ecological communities within the site and the surrounds.

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

The Planning Proposal will not result in adverse environmental impacts on the site and the surrounding environment. This Planning Proposal seeks only to permit the uses currently operating of the site. Accordingly, the Planning Proposal will result in the use of the site that is consistent with its existing uses and will not generate any additional environmental impacts.

#### Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal seeks to facilitate the orderly and efficient use of the existing DFO Homebush centre. Whilst this amendment will not result in an intensification of the existing use, it will improve the operating capacity of the existing centre by streamlining the process of tenant renewal and change over by increasing the opportunity for complying development on the site. This will encourage ongoing financial investment in the existing centre, retaining existing local employment and a retail offering to the local community.

## 5.4 State and Commonwealth Interests

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

Not Applicable. The Planning Proposal does not meet the criteria as specified in the *Guide to Preparing Planning Proposals* in respect of public infrastructure. Further, the Planning Proposal does not facilitate an increase in the intensity of land uses on the site as it does not alter the relevant development standards that currently apply to the site.

### Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?

State and Commonwealth authorities will have the opportunity to provide comment on the Planning Proposal as part of its formal exhibition. Any future DA will be referred to the relevant authorities as required.

## 5.5 Community Consultation

Community consultation will be conducted in accordance with section 3.34 and Schedule 1 of EP&A Act and A *Guide to Preparing Planning Proposals*. Confirmation of the public exhibition period and requirements for consultation will be detailed as part of the LEP Gateway determination. Any future DA for the site would also be exhibited in accordance with Council requirements, at which point the relevant authorities and the general public will have the opportunity to provide comments.

## 6.0 Conclusion

This Planning Proposal seeks to amend Schedule 1 of the Strathfield Local Environmental Plan 2012 to permit 'shops' and 'specialised retail uses' on the site identified as 1-5 Underwood Road, Homebush. The aim of this amendment is to rationalise the existing land uses which are currently operating on the site but prohibited in IN1 zone. The proposal does not seek to alter the applicable IN1 zone and does not seek to increase the intensity of development on the site. Accordingly, a Schedule 1 amendment is considered the most appropriate means of achieving the objectives of the proposal. The site-specific application of a Schedule 1 amendment permitting the existing uses on the subject site does not pre-empt or restrict future development on the site.

This Planning Proposal is justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The proposal is consistent with the various strategic planning frameworks that relate to the site and gives effect to the Greater Sydney Regional Plan, the East City Regional Plan and the Central City Regional Plan;
- The proposal does not impede or undermine the long-term strategic planning for the Strathfield LGA or the Greater Paramatta and Olympic Peninsular;
- The proposal is consistent with the applicable SEPPs and Ministerial Directions; and
- The proposal does not give rise to any adverse environmental impact.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceeds through the Gateway to public exhibition.



# Strathfield Local Environmental Plan 2012

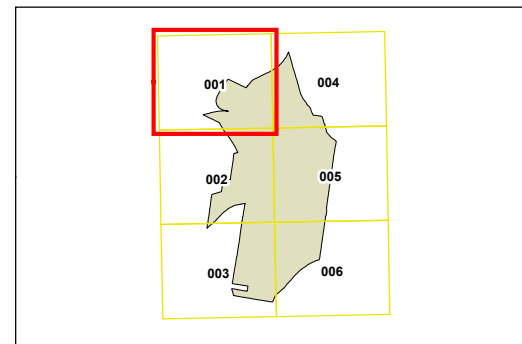
## Additional Permitted Uses Map - Sheet APU\_001

### Additional Permitted Uses

**Item** Refer to Schedule 1

### Cadastre

Cadastre 20/07/08 © Land and Property  
Information (LPI)



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Projection: GDA 1994  
MGA Zone 56

Scale: 1:10,000 @ A3

Map identification number:  
7100\_COM\_APU\_001\_010\_20121206

AUBURN LGA

HOME BUSH

HOME BUSH WEST

Item 4

Item 4



# Strathfield Local Environmental Plan 2012

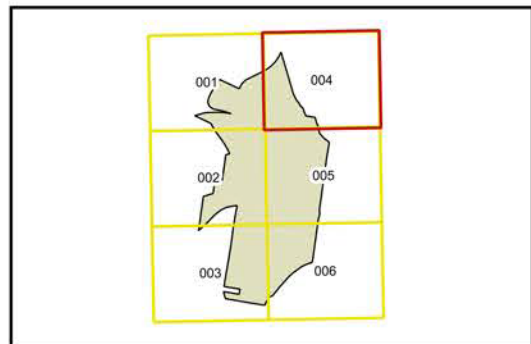
## Additional Permitted Uses Map - Sheet APU\_004

### Additional Permitted Uses

**Item** Refer to Schedule 1

### Cadastre

Cadastre 01/10/17 © Land and Property Information (LPI)

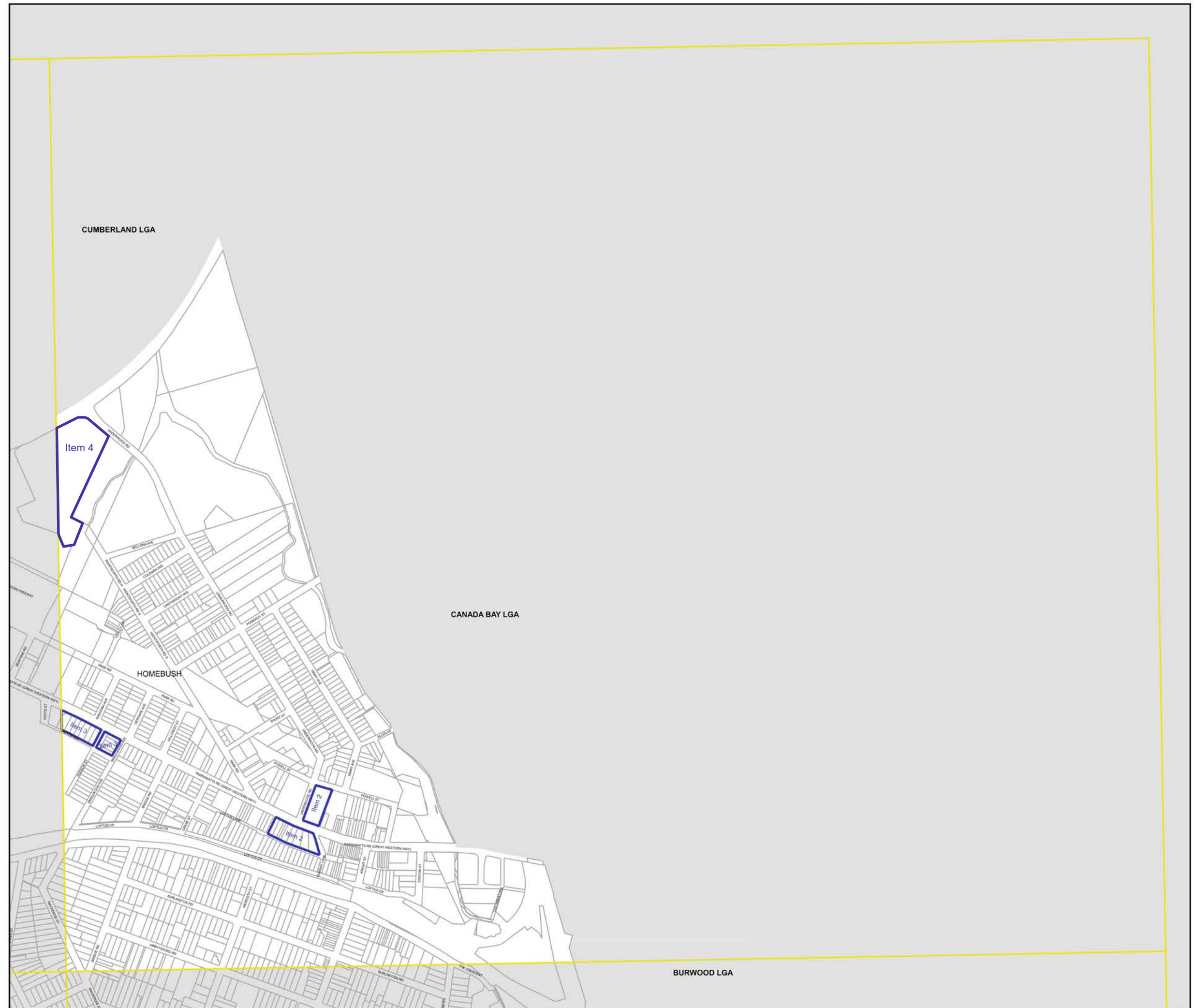


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MGA Zone 56

Map Identification Number:  
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# Strathfield Local Environmental Plan 2012

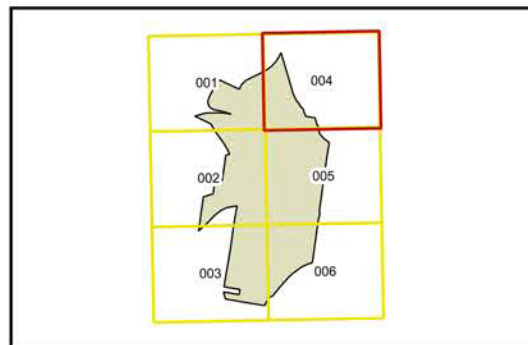
## Additional Permitted Uses Map - Sheet APU\_004

### Additional Permitted Uses

Item Refer to Schedule 1

### Cadastre

Cadastre 01/10/17 © Land and Property Information (LPI)



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MGA Zone 56

Map Identification Number:  
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