

DATE OF DECISION	30 April 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Sue Francis, Vivienne Albin, Mike Ryan
APOLOGIES	Roberta Ryan
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2020ECI002 – Strathfield - RR_2020_STRAT_001_00 at 1-5 Underwood Rd, Homebush (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☒ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel formed the view that the proponent's desire to deal with unacceptable delays in the approval of development applications for fit outs to retail premises within level 3 of the development is not best resolved by amending the LEP. The proponent seeks a more streamlined process for dealing with development applications but should seek an alternate mechanism than a planning proposal.





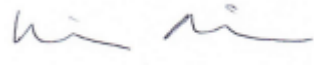
The Panel invites the Department to consider how to improve the time taken by Council to publicly notify and then approve commercial fit out development applications. This is required as the Applicant relies on existing use rights.

Having regard to the above the Panel does not believe the proposal demonstrates strategic merit for the following reasons:

- There is no nominated strategic or local centre under the district plan;
- There are no department endorsed local strategies;
- The site is recommended for rezoning from IN1 to R3 under the PRCUTS, under which 'shops' and 'specialised retail' are also prohibited;
- The proposal is not consistent with the adopted LSPS.

The proposal seeks to add shops and specialised retail on the site as permissible uses across the whole site which is unjustified economically and could result in a wholly different land use for the site. This is inconsistent with the purported intent of the rezoning to facilitate the use of exempt and complying development SEPP.

By way of comment, the Panel considers the Department should take the opportunity to reassess retaining the IN1, Industrial Zone for the subject site. This is recommended given the strategic and site specific merit for the District.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Sue Francis	 Mike Ryan
 Vivienne Albin	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2020ECI002 – Strathfield - RR_2020_STRAT_001_00 at 1-5 Underwood Rd, Homebush
2	LEP TO BE AMENDED	Strathfield Local Environmental Plan 2012
3	PROPOSED INSTRUMENT	<p>The rezoning review request relates to a planning proposal which seeks to amend the Strathfield Local Environmental Plan (LEP) 2012, to include ‘shop’ and ‘specialised retail premises’ as additional permitted uses for the site at 1-5 Underwood Road, Homebush.</p> <p>The proposal aims to permit these uses as they are currently operating on the site within the DFO Homebush centre, however they are prohibited uses under the IN1 General Industrial zone. The intention of the proposal is to streamline the approval process for future works, which currently rely on existing use rights, and enable the application of State Environmental Planning Policy (Exempt and Complying Development) 2008 to the site.</p> <p>The rezoning review request for this proposal was submitted to the Department as Council has failed to indicate support for the proposal within 90 days</p>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation

		<ul style="list-style-type: none"> Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: Various. Due to Corona virus precautions, the Panel visited the site, independently, prior to 30 April 2020 <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, Sue Francis, Vivienne Albin, Mike Ryan Briefing with Department of Planning, Industry and Environment (DPIE): 30 April 2020, 10.35am <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, Sue Francis, Vivienne Albin, Mike Ryan DPIE staff in attendance: Charlene Nelson, Carina Lucchinelli, Robert Drew, Brendan Metcalfe Joint Briefing with Council, Applicant and Department: 30 April 2020, 11.35am <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, Sue Francis, Vivienne Albin, Mike Ryan DPIE staff in attendance: Charlene Nelson, Carina Lucchinelli, Robert Drew Council representatives in attendance: George Andonoski, Kandace Lindeberg, Stephen Clements DPIE staff in attendance: Charlene Nelson, Carina Lucchinelli, Brendan Metcalfe, Robert Drew Proponent representatives in attendance: Peter Funder, Jennie Buchanan, David Waldren