

12 February 2014

Marian Pate
Sutherland LEP Review
NSW Department of Planning and Infrastructure
PO Box 39
Sydney NSW 2001

Dear Ms Pate

RE: SUBMISSION IN RESPONSE TO PROPOSED ADDITIONAL PERMITTED USE FOR SHOPS FOR THE PROPERTY AT 24-30 CAWARRA ROAD, CARINGBAH

We write in relation to the draft Sutherland Local Environmental Plan (LEP) 2013 Independent Review. This submission has been prepared by Milestone (AUST) Pty Limited (Milestone) on behalf of President Avenue Pty Ltd, owners of the Supabarn Supermarkets at 822-826 Old Princes Highway, Sutherland and 76 Gympie Bay Road, Gympie. Supabarn is a key stakeholder in the Sutherland Local Government Area (LGA).

Milestone prepared a submission to Sutherland Shire Council in relation to the Draft Centres Local Environmental Plan 2012 (draft Centres LEP 2012) and Draft Sutherland Centre Strategy 2012 (draft Centre Strategy 2012) publicly exhibited in May 2012. Milestone's submission supported the concentration of retail, residential and business development in Sutherland Town Centre and urged Council to develop a strong centres policy as part of the preparation of the Shire-wide draft Standard Instrument LEP to restrict out of centre retail development.

This submission objects to the ad-hoc out of Centre retailing proposed by Costco and the former Sutherland Mayor through the proposed additional permitted use for "shops" at 32-40 Cawarra Road, Caringbah (Item No. 36 of the Mayoral Minute dated 29 July 2013). It also objects to ad-hoc rezoning of land to address this fundamental strategic planning issue, addressing the concerns of some operators and not others. This submission, therefore, also seeks sensible remedies to the existing undersupply of commercial zoned land in Centres.

Costco sought Sutherland Shire Council's consideration of a proposal to establish a shopping facility of approximate gross floor area of 15,800m² with an associated 705 car parking spaces, through a submission to the public exhibition of draft LEP 2013. The Mayoral Minute supporting the Costco rezoning is contrary to the Council Officer's recommendation to not support the proposal. This raises questions of due and proper process in plan making which are best addressed by the LEP review committee. However, the additional permitted 'Shops' land use as proposed would have a range of adverse impacts that warrant further attention and are detailed following.

24-30 Cawarra Road, Caringbah (the site) was proposed to be zoned B7 – Business Park in the first exhibited draft of LEP 2013 and 'Shops' and 'Bulky Goods Premises' prohibited. The B7 zone in this location was intended to provide adequate land and floor space for the development of additional white-collar employment opportunities to meet the demands of residents who wish to work in proximity to their homes. In addition the proposed B7 zoning was also intended to optimise the future employment-generation potential of the Shire's industrial areas. Costco considered that their proposal was consistent with this vision and that the site was one of the few available in the Shire that could accommodate a Costco of the scale proposed. Council Officers did not support the proposal based on these valid planning considerations, with which Supabarn concurs. We consider that the proposal would create an undesirable

precedent and would create significant uncertainty regarding the established hierarchy of centres within the Sutherland LGA.

More Appropriate Opportunities?

Council acknowledge that the proposed use requires a large site, unlikely to be available in a commercial centre. Despite this Council Officers consider that there may be other locations in the Shire where this use is more appropriate.

At Council's Strategy and Direction Committee Meeting held on 23 July 2012, Council Officers responded to the inadequate supply of new business zoned land proposed under the draft Centres LEP 2012, stating:

"While development potential has been increased across all three centres to which this LEP applies the area zoned commercial has generally stayed the same. This is due to the high levels of redevelopment that have been experienced in the perimeter ring of residential flats that surround each commercial core."

Supabarn strongly supports sustainable urban growth policy that seeks to locate retail and commercial development in centres and corridors. However such development in NSW is often difficult because across the Metropolitan Region there is an inadequate supply of suitable commercial land in Centres. The proposal by Costco exemplifies this inadequate supply of land for emerging forms of retailing and if approved on a one-off basis would not address the underlying strategic planning imperatives demonstrated by this case.

As envisaged by the Metro Strategy and White Paper planning reforms, future Centres planning must be undertaken in an orderly and transparent manner. Otherwise economic prosperity and capacity to grow our businesses and Centres will be unduly constrained with consequent adverse employment and sustainability implications. Sutherland Shire Council and the Department of Planning and Infrastructure must address land supply and demand in a quantitative manner in order to provide adequately zoned land for appropriate land uses within the Shire.

We appreciate your effort to understand the issues faced by Supabarn in NSW and eagerly await your response. Yours sincerely

Yours sincerely

Milestone (AUST) Pty Limited



Lisa Bella Esposito
Director