

12 February 2014

Ms Marian Pate
Sutherland LEP Review Panel
NSW Department of Planning & Infrastructure
PO Box 39
SYDNEY NSW 2001
sutherlandlepreview@planning.nsw.gov.au

Dear Ms Pate,

**RE: Submission to Draft Sutherland Shire Local Environmental Plan 2013
Southgate Shopping Centre, Sylvania
On Behalf of ISPT Pty Ltd.**

This submission is to the Sutherland LEP Review Panel (the Panel) public exhibition of the Draft Sutherland Shire Local Environmental Plan 2013 (the Draft LEP) and has been prepared by Urbis on behalf of ISPT Pty Ltd (ISPT). ISPT are the owners of the Southgate Shopping Centre, located at the corner of the Princes Highway and Port Hacking Road in Sylvania.

An aerial image of the site is provided below:



Source: Sutherland Shire Council GIS, 2012 Aerial Photo

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DRAFT SUTHERLAND LEP SUBMISSION - 12.02.2014

1 Submission Issues

On behalf of ISPT we have reviewed the Draft LEP and are supportive of the proposed B3 Commercial Core zone proposed for the Southgate Shopping Centre.

However, while ISPT support the core zoning controls proposed for Southgate, ISPT raise concern with regards to the following planning controls:

- **Proposed Height Control** – the Draft LEP introduces a height control of 13 metres to the site, which will limit expansion potential for Southgate Shopping Centre and does not reflect the status of the site in the surrounding land use context. We request a height control of **25 metres** be considered for the Southgate site, which is compatible with other B3 Commercial Core centres in Sutherland Shire.
- **Proposed Permissible Land Uses in the B3 Zone** – ‘*vehicle repair stations*’ should be included as a permissible use in the B3 zone, recognising the compatible nature of such facilities with local centres and the usual location of such stores in subregional shopping centres.

Each of these issues are discussed in detail in the following sections.

2 Existing Policy Framework

Under the Sutherland Local Environmental Plan 2006 (LEP 2006), Southgate Shopping Centre is zoned ‘Zone 8: Urban Centre’, consistent with most retail centres in Sutherland Shire. LEP 2006 has minimal development standards, with no height or floor space ratio control applying to Southgate Shopping Centre. It is noted that some development controls relating to height are currently contained within the Sutherland Shire Development Control Plan 2006 (the DCP 2006).

The DCP 2006 prescribes some detailed design controls including a 3-storey height control for Southgate Shopping Centre. DCP 2006 adopts the definitions of LEP 2006 which contains the following definition of a storey:

storey means a space within a building situated between one floor level and the floor level above, or the ceiling or roof above, and includes the space within the following:

- (a) foundation areas, garages, workshops, storerooms, basements and the like, whose external walls have a height of more than 1 metre, as measured vertically from the ground level immediately below,
- (b) an attic within a residential building, but only if:
 - (i) the roof of the attic is pitched from more than 300mm above the floor of the attic or at an angle of more than 35 degrees, or
 - (ii) the area of the attic exceeds 60 percent of the floor space of the floor level below.

As such, the transition from LEP 2006 to the Draft LEP will change the method which height of a building is determined, from being measured by ‘storey’ under LEP 2006, to the distance in metres by adopting the Standard Instrument definition of ‘*building height*’.

3 Proposed Building Height Development Standard

Clause 4.3 of the Draft LEP proposes a 13 metre building height development standard for Southgate Shopping Centre.

The LEP 2006 does not prescribe any height control across the site, however a height control of 3 storeys for the site is contained in DCP 2006.

ISPT object to the proposed 13 metre height control and request a revised height control of 25 metres be provided for Southgate based on the key reasons outlined below.

- **The draft LEP will result in a reduction in height currently permissible on the site**

Under Sutherland LEP 2006 the site currently has a height control of 3 storeys. Based on the definition of a storey, the current centre is two-storeys. Accordingly, under the current planning controls an additional storey can be accommodated above the existing centre.

With the introduction of a Standard Instrument LEP, the following definition of height is proposed to be adopted:

***building height (or height of building)** means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.*

Due to the change in the way which building height is to be measured under the Draft LEP, and having regard to the floor-to-floor clearances required for shopping centres, the application of the proposed height control will eliminate the existing opportunity to vertically expand Southgate centre.

- **The draft LEP height control for Southgate Shopping Centre is not consistent with height controls of other centres within the same zone with similar FSR controls.**

Under the Draft LEP, there are seven centres proposed to be zoned B3 Commercial Core: Miranda, Sutherland, Cronulla, Caringbah, Meni, Engadine, and Southgate. These centres are all currently 'Zone 8: Urban Centre' under LEP 2006.

Each of the B3 Commercial Core centres is proposed to have a Floor Space Ratio control of 2:1 or greater under the Draft LEP. However, the height controls proposed for these centre vary as summarised in **Table 1** below.

This illustrates that all other B3 centres are proposed to have a greater height control than Southgate. This will therefore impact on the long-term viability of Southgate to compete with other centres in the region, limiting future redevelopment opportunities for the centre.

TABLE 1 – DRAFT LEP 2013 HEIGHT AND FSR CONTROLS FOR B3 COMMERCIAL CORE CENTRES

B3 ZONED CENTRE	PROPOSED FSR CONTROL	PROPOSED HEIGHT CONTROL
Miranda	2:1 to 3:1	25m to 35m
Southerland	2:1 to 3.5:1	20m to 40m
Cronulla	2:1 to 3:1	20m to 30m
Caringbah	2:1 to 3:1	13m to 40m
Meni	2:1 to 2.5:1	20m
Engadine	2:1	16m to 20m
Southgate	2:1	13m

Source: Draft Sutherland LEP 2013 Maps (<https://mapping.ssc.nsw.gov.au/lep2013/>)

- **The Draft LEP height control will limit Southgate from utilising the permissible FSR on the site.**

As summarised in **Table 1** above, Southgate is proposed to have a similar FSR and zoning to other centres within Sutherland Shire. The proposed FSR for Southgate can support the existing centre more than doubling in size.

Due to the centre being burdened by several easement constraints, opportunities for Southgate to increase its current floor area is largely limited to vertical expansion. The 13 metre height control will remove the opportunity for the centre to vertically expand and will introduce a significant impediment for redevelopment of the centre, therefore affect the ability of the centre to grow and adapt to meet the future demands of the community.

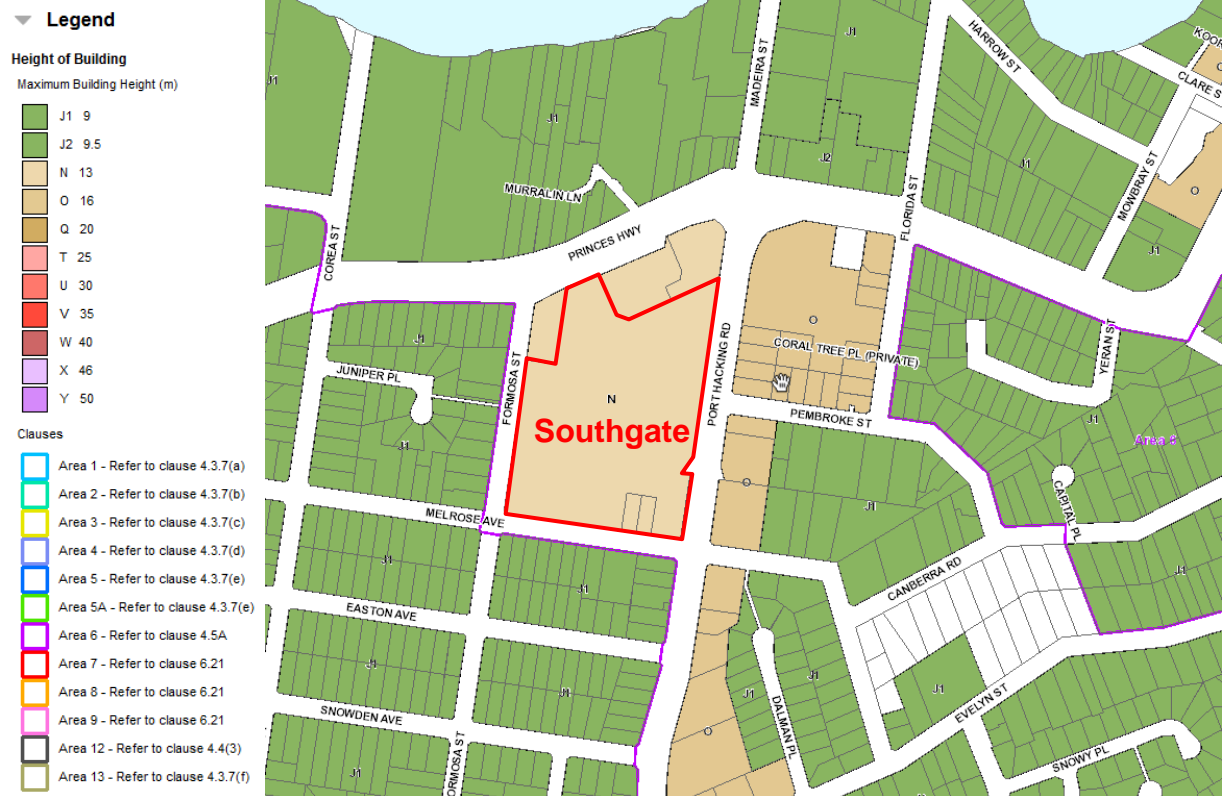
- **The proposed height control for Southgate Shopping Centre is lower than that proposed for the eastern adjacent residential area which is 16 metres.**

Furthermore, the imposition of a lower height control for Southgate than the eastern adjoining residential area will limit the opportunity for future redevelopment of the centre to be designed in a way which will differentiate and punctuates the centre within the surrounding urban landscape.

Given the location of the centre at the intersection of two arterial roads and adjacent to a mixed density residential area, a greater height control should be considered, to reflect the status of the centre in the suburban context and the scale of development permissible surrounding the centre.

Based on a height analysis undertaken by Urbis, a height control of **25 metres** is commensurate to the current height control when applied to a retail centre. It is also consistent with height controls of similarly zoned centres under the draft LEP and would allow for the future expansion of the site in accordance with its zoning status and permissible FSR.

FIGURE 1 – DRAFT SUTHERLAND LEP BUILDING HEIGHT MAP (EXTRACT)



Source: Height of Building Map, Draft Sutherland LEP 2013 (<https://mapping.ssc.nsw.gov.au/lep2013/>)

4 Proposed B3 Commercial Core Land Uses

4.1 VEHICLE REPAIR STATION

While ISPT is generally supportive of the permissible land uses in the B3 zone, it seeks amendment to 'vehicle repair stations' being a prohibited use within the B3 Commercial Core zone.

The definition of 'vehicle repair stations' allows for the repairing of, as well as the selling and fitting of accessories to, vehicles. This characterisation is distinct from 'service stations' (proposed to be permissible in the B3 zone), which require the selling of petrol as an essential characteristic, and from 'vehicle body repair workshops' (proposed to be prohibited in the B3 zone), which involve more intensive activities such as panel beating and spray painting.

Developments characterised as 'vehicle repair stations' generally do not exceed the scale and impact of 'service stations', offering services such as basic internal repairs, vehicle inspections, and the sales and fitting of tyres and batteries. In practice, without the retailing of petrol and its associated hazard and odour impacts, 'vehicle repair stations' could be considered to have a lesser impact than 'service stations'.

Due to their limited amenity impacts, it is typical to see these businesses such as Kmart Tyre (currently part of the Southgate Shopping Centre) and Auto Services, UltraTune, or Midas associated with subregional shopping centres and local centres. Accordingly, it is requested that 'vehicle repair stations' be included as permissible development in the B2 zone.

4.2 TYPOGRAPHICAL ERROR IN LAND USE TABLE

We note that the exhibited Draft LEP includes a typographical error in the Land Use Tables for the B2 Local Centre and B3 Commercial Core with regards to the prohibited uses.

The defined terms of '*vehicle repair station*' and '*vehicle body repair workshop*' are incorrectly described as '*vehicle repair workshop*' and '*vehicle body repair station*'.

5 Summary

We thank the Sutherland LEP Review Panel (the Panel) and Sutherland Council for the opportunity to comment on the controls proposed under the Draft LEP. To ensure the long-term viability of Southgate Shopping Centre and its position in the Sutherland and wider subregional centres hierarchy is not compromised, this submission has identified key issues which need to be addressed by the Panel and Sutherland Council prior to finalising the Draft LEP.

Generally ISPT are supportive of the Draft LEP, but request the following amendments be made:

- Reconsider the proposed building height control for Southgate Shopping Centre, having regard to:
 - The status of the centre in the suburban context;
 - The proposed height controls for the eastern adjoining residential area;
 - The long-term viability of the centre to compete with other centres in Sutherland and meet the changing needs of the community.

It is requested a height control of 25 metres is considered by for the Southgate Shopping Centre before the Draft LEP is adopted and made.

- Include '*vehicle repair stations*' as a permissible use within the B3 Commercial Core zone, to ensure land uses typically associated with subregional shopping centres and local centres are supported within the zone.

We welcome further discussion with the Panel or Sutherland Council on the matters raised in this submission, and wish to be advised of the ongoing progress of the Draft LEP.

Should you wish to further discuss this submission, please do not hesitate to contact me on 8233 9952.

Yours sincerely,



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Associate Director

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