

Our Ref: 0083/13lt5

14 February 2014

Marian Pate
NSW Department of Planning and Infrastructure
PO Box 39
SYDNEY 2001

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
119-121 PARRAWEENA ROAD CARINGBAH**

We advise that we act on behalf of the owner of the above property and have been instructed to make a submission to be included as part of the independent review of the Draft Sutherland Shire LEP 2013. In accordance with the terms of reference set out by the Minister for Planning and Infrastructure, this submission relates to the appropriateness of the provisions contained in the second exhibited LEP.

By way of background, Planning Ingenuity made a submission to Council as part of the initially exhibited Draft LEP requesting that the proposed zoning for the subject site under Draft SSLEP 2013 be changed to enable "bulky goods premises". It was suggested that this could be achieved by identifying the site within the B5 Zone which permits "bulky goods premises", or by including an "additional permitted use" clause permitting bulky goods premises specifically at the subject site. The detailed submission is attached to this letter.

Staff did not support the request to amend the Draft LEP to permit bulky good premises at the site despite agreeing with the merits of this request. Council invited the submission of a planning proposal should the landowners be able to amalgamate the site and address flooding issues. Council's report summarising submissions made the following recommendation:

" *The landowners for 94-98 Parraweena Road and 173, 175, 177, 181 – 187, 189 and 191 – 193 Taren Point Road, Taren Point be advised that the potential for bulky goods has merit provided that all properties can be included in a single redevelopment which adequately addressed the flooding constraints, provides for the safe movement of vehicles and presents a quality streetscape and landscaped context to Taren Point Road. Should the landowners be able to achieve these outcomes, a planning proposal and master plan should be submitted to reconsider the zoning of the land.*"

We note that the subject site was not included in the Mayoral Minute. It is also noted that a significant concern of Council in not supporting our request was matters relating to flooding. Clause 6.5 of the Draft LEP relates to land within the flood planning area and this Clause would apply to the subject site as part of any redevelopment. This clause is a mechanism of controlling flood risk and Council need not rely on zoning or prohibition of use to do so.

We therefore ask that the Panel endorse our request to identify the site within the B5 Zone or include an additional permitted use clause to allow bulky goods premises at the subject site. Future redevelopment of the site would be required to comply with Clause 6.5 of the Draft LEP which relates to flood planning.

Should you wish to discuss any of the above, please feel free to contact the undersigned.

Yours faithfully,
Planning Ingenuity Pty Ltd

A handwritten signature in black ink, appearing to read 'J. Mead'.

Jeff Mead
DIRECTOR



ANNEXURE A

COPY OF INITIAL SUBMISSION ON DRAFT SUTHERLAND LEP 2013

Our Ref: 0083/13lt1

Council Ref: LP/03/252376

1 May 2013

Environmental Planning Unit
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND SHIRE LEP 2013
No. 119-121 PARRAWEENA ROAD, CARINGBAH**

We refer to the *Draft Sutherland Shire LEP (SSLEP) 2013* which is on exhibition from 19 March to 1 May, 2013. We act on behalf of the owner of the subject site and have been instructed to make a submission in relation to the Draft LEP to request that Council allow for *bulky good premises* as a permissible land use on the subject site. This would effectively formalise permissibility of the current use on the site (BCF – Boating, Camping, Fishing) and would allow similar bulky goods uses on the site in the future.

The site is located within the IN1 – General Industrial zone under the Draft LEP. The site is occupied by a single storey brick building currently used by BCF (Boating, Fishing and Camping) and a large area for car parking. The site a long history of “non-industrial” uses including approval for use of the subject premises by Pet Barn in 2009, and prior to that the site was used as a retail nursery, a gas supply shop, an air-conditioning shop and as a hardware shop. Notwithstanding, bulky goods premises are prohibited within the IN1 zone.

Council has approved use of the site as *bulky goods premises* and the site therefore enjoys *existing use rights* (as defined by Section 106 of the Environmental Planning & Assessment Act, 1979). However, it is our view that given the long history of use on the site for bulky goods premises and based on the nature of surrounding development, this use should be permitted as of right. This protects the long term property interests of our client, enabling changes to the current building to be more easily achieved and for changes to other similar uses to be possible in the future.

This submission recommends that Council either;

- Include the site and its existing use as a *bulky goods premises* in Schedule 1, ‘Additional Permitted Uses’ of the Draft LEP; or
- adopt a zoning for the site (and perhaps surrounding properties) of *B5 Business Development*, which allows for a range of industrial and business land uses as well as *bulky goods premises*, noting that the subject site and surrounding land uses do not contain any land uses that would typically be found within a *IN1 General Industrial* zone.

The subject site is located within *Zone 11 – Employment* pursuant to SSLEP 2006 and is identified in the Draft LEP 2013 as *IN1 General Industrial*. As indicated in Attachment 1, the subject site and several other surrounding properties zoned for “industrial” purposes are currently occupied by “non-

industrial” uses including retail, bulky goods, hotel and service station uses. These properties have a long history of “non-industrial” use.

Bulky goods premises was a permissible land use on the site under SSLEP 2000 however, with the gazettal of SSLEP 2006, *bulky goods premises* became prohibited on the subject site.

In our opinion, the *B5 Business Development* zone is more reflective of the existing land uses that make up the subject site and locality. As indicated in Attachment 1, there are not any typical industrial oriented land uses within the immediate vicinity of the site. The proposed *IN1 General Industrial* zoning would effectively prohibit the majority of existing land uses.

The B5 zone maintains permissibility of more typical industrial uses however also allows *child care centres, hardware and building supplies, service stations, bulky goods premises, restaurants or cafes*, all of which are uses featured in the surrounding locality. The B5 zone would therefore be suitable for the subject site and also the locality.

In response to strategic planning objectives, we note that the subject site has been used for *bulky goods premises* or other non-industrial uses for many years and also note that many of the existing uses surrounding the site that also fall outside the IN1 permitted uses have existed for many years. The requested zoning amendment does not seek to increase the supply of bulky goods floor space but rather maintain existing supply through formalisation of permissibility.

The proposal will not result in change to the land use pattern within the locality and will therefore be commensurate with the general strategic planning objective of retaining sites that can be used for employment-generating businesses in the Shire.

We note Council’s approach to expand permissibility of *bulky goods premises* along the strip on the eastern side of Taren Point Road between Parraweena Road and Toorak Avenue. Whilst we agree that it is necessary to increase the area in which *bulky goods premises* are permitted, it is our view that the land that has been added in the Draft LEP is much less suitable for bulky goods premises than our client’s land, and surrounding lands.

Our client’s site (and surrounding sites) are relatively large plots of land with direct access from Parraweena Road, which does not carry as high a volume of traffic as Taren Point Road. The history of use of the site for bulky goods purposes demonstrates that the site is suitable for its use and there are no constraints to such a use continuing in the long term.

Accordingly, to meet the objectives of Council’s *Employment Strategy*, a sound town planning outcome is to protect existing land holdings of bulky goods uses, which for many years have met strong and persistent demand for such facilities.

CONCLUSION

We thank you for the opportunity to comment on Council’s Draft LEP. For the reasons outlined in this submission, it is our view that the proposed zoning amendment more appropriately responds to Council’s *Employment Strategy* which seeks to expand the area in which *bulky goods premises* are permitted. The proposed zoning acknowledges the existing use of the site, which has been in existence for many years.

The subject request can be implemented through inclusion of the subject site in the *B5 Business Development* zone or through amendment to *Schedule 1 – Additional Permitted Uses* to specifically allow for “bulky goods premises” on the subject site. The subject request will have no impact on the land use make up of the locality in that it will merely formalise the permissibility of a use that has occupied the site for many years. In this sense, the proposal will not erode industrial lands and will have no bearing on the retail hierarchy of the local area.

As demonstrated in this submission, the proposal will meet the overall economic and social objectives of the Environmental Planning & Assessment Act, 1979. We therefore respectfully request that the Draft LEP be amended as detailed in this submission. We trust that this submission is self explanatory, however, should you require any further clarification, please do not hesitate to contact our office.

Yours faithfully,
Planning Ingenuity Pty Ltd



Jeff Mead
DIRECTOR

ATTACHMENT 1 SURROUNDING LAND USE CONTEXT

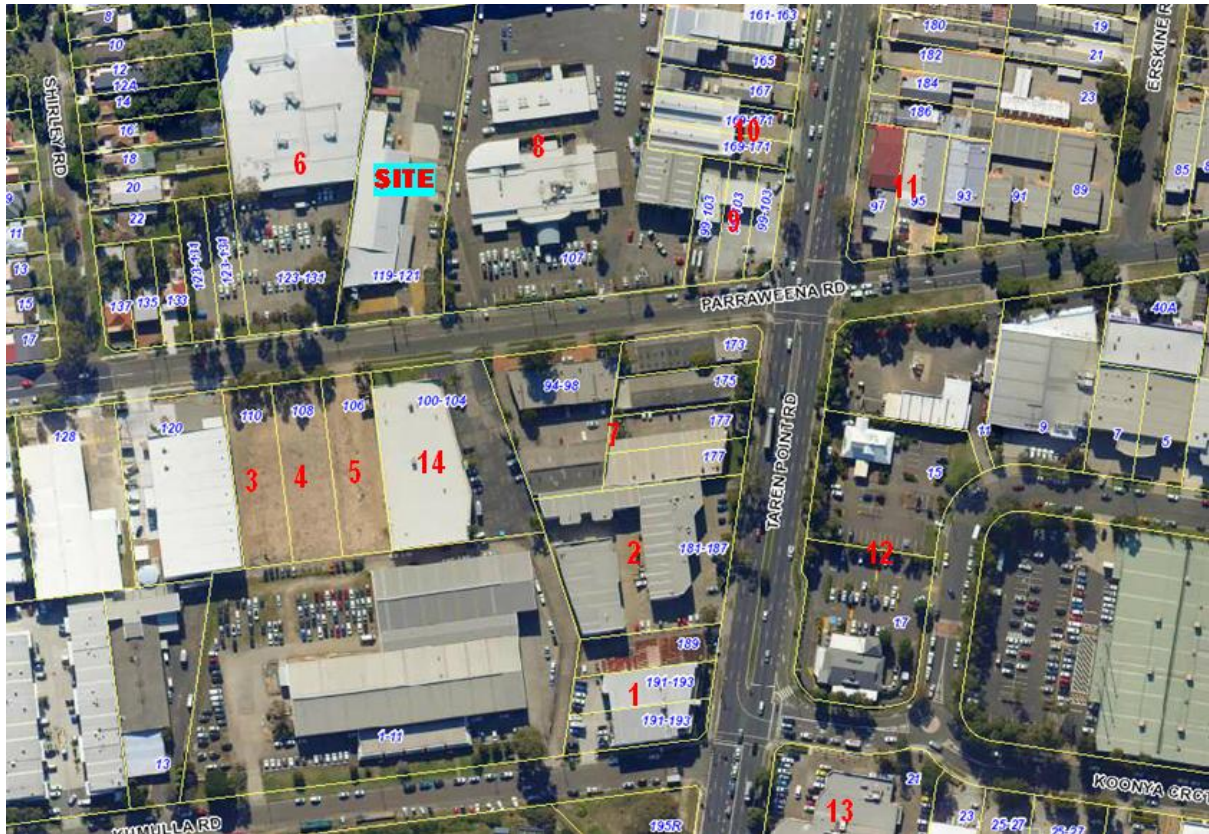


TABLE 1: DESCRIPTION OF ADJOINING DEVELOPMENT

ID No.	ADDRESS	ZONING	LAND USE
1	189-193 Taren Point Rd, Taren Point	IN1	An existing 2-3 storey building containing several bulky goods retailers including Proud Furniture.
2	181-187 Taren Point Rd, Taren Point	IN1	Factory units including children's play centre, trade suppliers, professional services, warehousing and general industrial uses
3	106 Parraweena Rd, Caringbah	IN1	Proposed child care centre and gymnasium
4	108 Parraweena Rd, Caringbah	IN1	Vacant, cleared land. Previously part of the Player's Biscuit factory.
5	110 Parraweena Rd, Caringbah	IN1	Recently approved as a new 2 storey child care centre, with children's party rooms. Site remains vacant at present.
6	123-131 Parraweena Rd, Caringbah	IN1	Existing IGA (previously Franklins) supermarket to the north-west of the site. Contains extensive parking within the front setback.
7	173-177 Taren Point Rd, Taren Point and 94-98 Parraweena Rd, Caringbah	IN1	Cronulla Carpets, bulky goods premises.
8	107 Parraweena Rd, Taren Point	IN1	Taren Point hotel and motel. Beacon Lighting.
9	99-103 Parraweena Rd, Caringbah	IN1	Existing Shell service station.
10	169-171 Taren Point Rd, Taren Point	IN1	Power tool retailer
11	97 Taren Point Rd, Taren Point	IN1	Formerly Strathfield Car Radio, now vacant.
12	11-17 Koonya Circuit, Caringbah	IN1	Fast food outlets including Red Rooster and McDonalds fast food restaurants.
13	220 Taren Point Rd, Caringbah	IN1	Home Maker Centre - 2 storey shopping centre, containing bulky goods retail.
14	100 Parraweena Rd, Taren Point	IN1	Cronulla Furniture