

Our Ref: 0085/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
181-187 PARRAWEENA ROAD, TAREN POINT**

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 a site that was included in Mayoral Minute No. 6/13-14 dated 29 July 2013. In addition, we refer to the appropriateness of the second exhibited version of the Draft LEP and contend that the LEP should be amended to make bulky goods premises a permissible use on the subject site.

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.*"

As discussed, the subject site was mentioned in the Mayoral Minute as follows:

" *With respect to 71. Taren Point Bulky Goods
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.*"

In response to the recommendations of Council and the Mayoral Minute, our client commissioned a flooding expert to undertake a flood study based on flood modelling of the site and surrounding area.

The conclusion of a flood study was that the site is capable of being redeveloped to accommodate a bulky goods premises and flooding matters could be dealt with as design measures as part of a future development application.

We note that 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



Jeff Mead
DIRECTOR



ANNEXURE A

COPY OF INITIAL SUBMISSION ON DRAFT SUTHERLAND LEP 2013

29 April 2013

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

Dear Sir,

**DRAFT SUTHERLAND SHIRE LEP 2013
181-187 TAREN POINT ROAD, TAREN POINT**

We are the owners of Nos. 181-187 Taren Point Road, a factory unit complex that has existed on the site for several years. The purpose of this submission is to request that Council make amendments to the Draft LEP to allow “bulky goods premises” and more non-industrial uses to be permitted on the site. Preferably this would be achieved by rezoning the land to B5 – Business Development, consistent with the zoning of land directly opposite the subject site. Alternatively, Schedule 1 of the LEP could be amended to specifically permit “bulky goods premises” on the subject site in addition to the other uses ordinarily permitted within the IN1 zone. Our request is intended to enable several uses that exist on the subject site to be formalised as permissible and to enable a wider range of future users of the units on the site as clear demand exists.

The site is located on the western side of Taren Point Road and is known as Nos. 181-187 Taren Point Road, Taren Point. These properties have a legal description of Lots 1-4 in DP 23960 and Lot 21 in DP 564778. The site is occupied by an industrial complex with two separate buildings and primary access/egress from Taren Point Road as well as access via a right-of-carriageway off Kumulla Road. Associated parking is provided within the front setback to Taren Point Road.

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. The subject site is currently occupied by several “non-industrial” uses falling within Draft LEP definitions of “warehouse or distribution centre”, “hardware and building supplies”, “recreation facility (indoor)”, and “bulky goods”. These units and surrounding properties have a long history of “non-industrial” use. To the north and north-west are Cronulla Carpets and Cronulla Furniture (bulky goods uses), to the east are fast food outlets including Red Rooster and McDonalds fast food restaurants and the Caringbah Homemaker Centre (a two storey bulky goods development) and to the south is a 2 to 3 storey building containing several bulky goods retailers including Proud Furniture. For this reason we are requesting that Council consider an alternative and more appropriate zoning that better reflects market demand, site and land use context.

This submission recommends that Council adopts 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 many land uses that would typically be found within a IN1 General Industrial zone and those that are would be permissible under both zones (eg. “hardware and building supplies” and “warehouse and distribution”). Alternatively, we request that Schedule 1 of the LEP be amended to specifically permit “bulky goods premises” on our site.

The B5 – Business Development Zone would be more reflective of the demand for the type of space available on the subject site and consistent with the zoning of land directly opposite, along the eastern side of Taren Point Road.

The context of the area is set by non-traditional industrial uses and as long term landlords within the area we feel that it makes sense to facilitate additional bulky goods and business related uses given the obvious demand for these types of uses. The current bulky goods zone is located directly opposite our site on the eastern side of Taren Point and is in fact even linked by pedestrian traffic signals.

Council has expanded permissibility of *bulky goods premises* along the strip on the eastern side of Taren Point Road between Parraweena Road and Toorak Avenue. We agree that it is necessary to increase the area in which *bulky goods premises* are permitted, however feel that the land that has been added in the Draft LEP is much less suitable for bulky goods premises than our site. Our site could better contribute to a clustered area, associated with the large B5 precinct to the east, as encouraged by Council's employment strategy.

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. In addition, the B5 zone would permit "office premises". To enable accommodation by trade related offices would also be ideal in the event that those light industrial uses permitted under the B5 zone were to occupy the site or nearby sites. This would enable offices in association with such a use to co-locate (ie. head office type arrangement where industry related vehicles or equipment could be accommodated on site). 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.

Accordingly, to meet the objectives of Council's *Employment Strategy*, an appropriate approach is to protect existing land holdings of bulky goods uses and non-industrial uses, which for many years have met strong and persistent demand for such facilities.

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 by providing an alternative to the proposed IN1 zone to better suit the demand of uses within the immediate area reflected by existing uses as well as permitting *bulky goods premises*.

The proposed recommendation will have no major impact on the land use makeup of the locality in that it will formalise the permissibility of a number of uses that have in the past or currently occupy the subject site. In this sense, the proposal will not erode industrial lands. We therefore respectfully request that the Draft LEP be amended as detailed in this submission.

Yours faithfully,