

Our Ref: 0084/13lt5

14 February 2014

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

Dear Marian,

**RE: SUTHERLAND DRAFT LEP REVIEW
94-98 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 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.

Planning Ingenuity prepared a further submission in relation to the second exhibited Draft LEP noting the recommendations of the flood study. This submission is attached to this letter and maintains that matters of flooding should be dealt as part of a future development application rather than precluding bulky goods use at the subject site.

The submission also notes that ownership of the sites in the bulky goods precinct is fragmented. Whilst our client owns 5 of 9 lots, the lots outside of their ownership largely include factory unit development with several tenants, all subject to individual lease periods and terms. Accordingly, development of the overall precinct under a master plan is unlikely to occur in the medium or even longer term, is unnecessary and will stifle achievement of the aims of Council's Employment Strategy.

We note that despite the current zone, a number of factory units in the vicinity of the site are trading as bulky goods retail premises. Furthermore, there is a significant demand for larger bulky goods premises (being premises greater than 400m²) of which none exist in the immediate vicinity of the site.

In addition, the owner of the subject site met with Council recently as part of a Pre-Development Application meeting related to upgrade works for buildings on the site. Council provided a written response to that meeting which is attached to this letter. Council's response notes that the property is a landmark site with high levels of exposure and the property owner was encouraged to pursue a building design with generous glazing and articulation of the eastern façade. A design of such a building is not typically achieved for an industrial development which reinforces our position that a bulky goods premises is a more appropriate land use at the subject site.

We anticipate that professional staff will be in support of our request in relation to the second exhibited LEP, however, we do not have the benefit of the staff report that deals with the second exhibited version of the LEP. 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 is capable of being designed to comply with flood planning levels and 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

Our Ref: 0084/13lt1
Your Ref: LP/03/252376

29 April 2013

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

Dear Sir,

**SUBMISSION ON THE DRAFT SUTHERLAND LEP 2013
NOS. 94-98 PARRAWEENA ROAD, CARINGBAH**

INTRODUCTION

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 make amendments to enable “bulky goods premises” to be permissible on the subject site. This would effectively formalise permissibility of the current use on the site (Cronulla Carpets) which has existed for over 30 years. It would allow planned upgrades of the existing facilities and for similar uses on the site in the future.

In our opinion, two mechanisms for achieving this request are available to Council. The site may be rezoned to B5 – Business Development, consistent with the zoning of other sites within Taren Point that currently accommodate “bulky goods premises”. The B5 zoning has also been applied to the eastern side of Taren Point Road (between Parraweena Road and Toorak Avenue) along which Council is seeking to promote additional bulky goods development. Alternatively, Schedule 1 – Additional Permitted Uses could be amended to specifically permit “bulky goods premises” on the subject site.

In forming our opinion on the suitability of rezoning the subject site we have researched the development history of the site, have visited the site and locality and considered the *SSLEP 2006* and *Draft SSLEP 2013* controls in the context of the local and state strategic planning framework. We have also considered Council's *Employment Strategy – January 2013* which is a supplementary document also on public exhibition.

SITE & LOCATION

The subject site is located on the southern side of Parraweena Road and western side of Taren Point Road, known as Nos. 94-98 Parraweena Road and Nos. 173-177 Taren Point, with a legal description of:

- Lot 1 DP 23960;
- Lot 2 DP23960;
- Lot 3 DP 23960;
- Lot 4 DP 23960; and
- Lot 21 DP 564778.

The site has an area of 6,651.9m² (see Figure 1). The subject site is occupied by four separate buildings which comprise a mix of uses that could be defined as “warehouse or distribution centre”, “industry” (where goods are made and altered) and “bulky goods premises” as defined by the Draft LEP.

Figure 2 on the following page indicates the subject site in relation to the adjoining properties and Table 1 provides details of the adjoining properties identified in Figure 2.

TABLE 1: DESCRIPTION OF ADJOINING DEVELOPMENT			
ID No.	ADDRESS	ZONING	LAND USE
1	189-193 Taren Point Rd, Miranda	IN1	An existing 2-3 storey building containing several bulky goods premises including Proud Furniture.
2	181-187 Taren Point Rd, Miranda	IN1	Factory units including children's play centre, trade suppliers, professional services, warehousing and general industrial uses
3	106 Parraweena Rd, Miranda	IN1	Proposed child care centre and gymnasium
4	108 Parraweena Rd, Miranda	IN1	Vacant, cleared land. Previously part of the Player's Biscuit factory.
5	110 Parraweena Rd, Miranda	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, Taren Point	IN1	Existing IGA (previously Franklins) supermarket to the north-west of the site. Contains extensive parking within the front setback.
7	119-121 Parraweena Rd, Taren Point	IN1	BCF bulky goods premises, selling boating, camping and fishing supplies.
8	107 Parraweena Rd, Taren Point	IN1	Taren Point hotel and motel.
9	99-103 Parraweena Rd, Miranda	IN1	Existing Shell service station.
10	169-171 Taren Point Rd, Taren Point	IN1	Power tool sales
11	97 Taren Point Rd, Caringbah	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 premises
14	100 Parraweena Rd	IN1	Cronulla Furniture

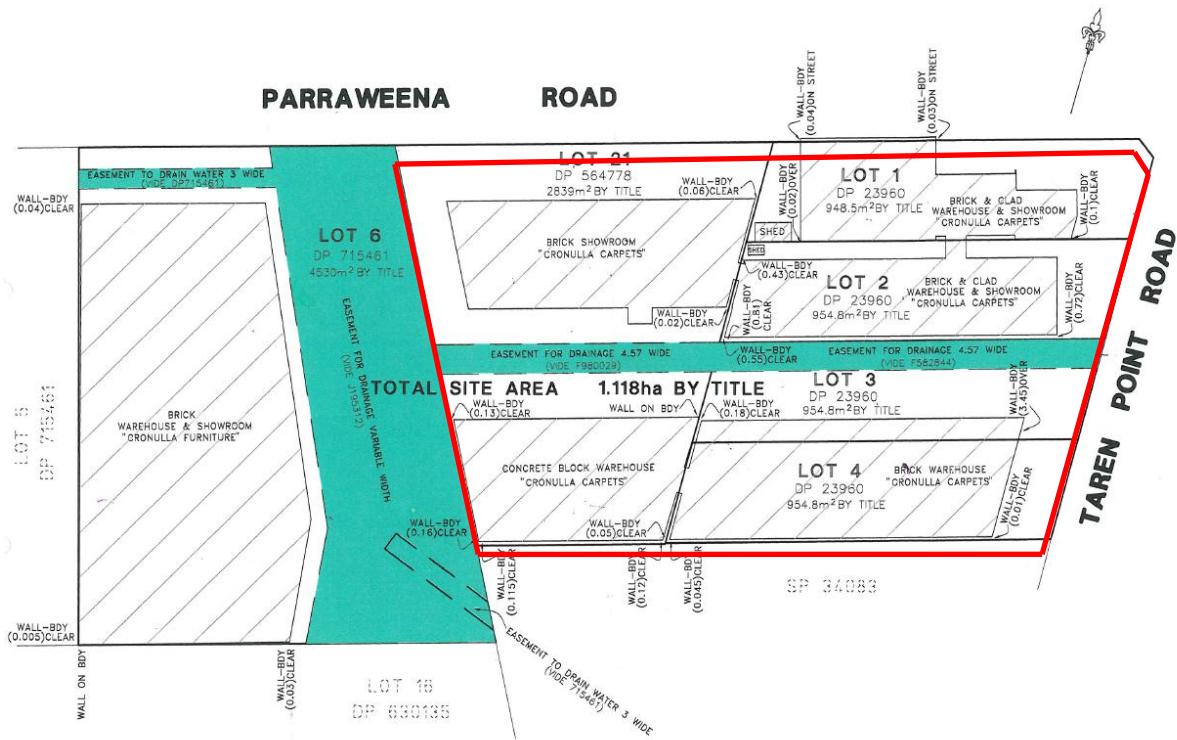


Figure 1: Location Plan (site boundaries shown in red)

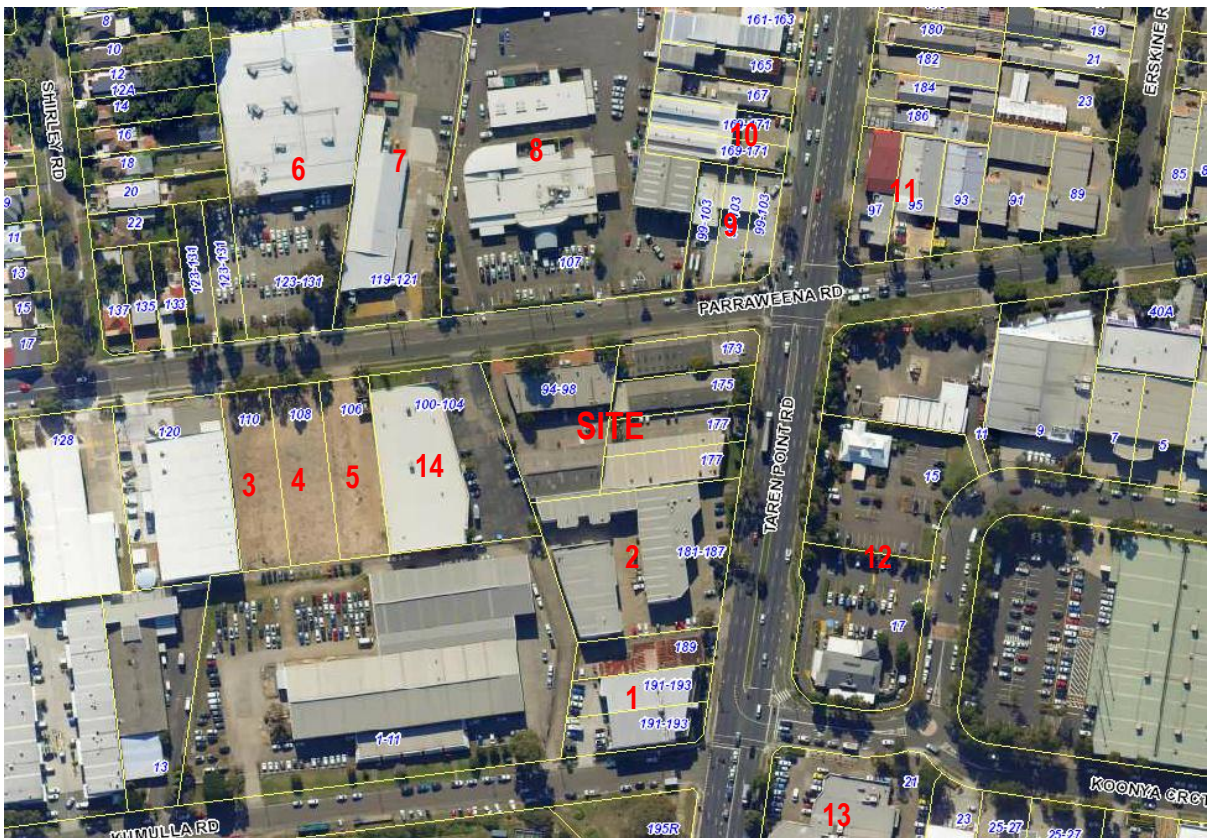


Figure 2: Aerial photograph of the site

BACKGROUND

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 demonstrated in Figure 2, the subject site and several other surrounding properties zoned for “industrial” purposes are currently occupied by “non-industrial” uses including retail, bulky goods premises, hotel and service station uses. These properties have a long history of “non-industrial” use.

The subject site has a long development history including several development consents relating to construction and use of the various buildings on the subject site. Of relevance to this submission, some of these consents provide impediments to operation of “bulky goods premises” on the site. Imposing such impediments was a common planning practice at the time the development consents were granted given that the consents predated the evolution of bulky goods premises as a land use classification.

In practice, the subject site has been used in part for the manufacture, warehousing and sale of floorcovering products for the past 30 years. Therefore, the site was one of the earliest genuine “bulky goods premises” within Taren Point/Caringbah and well preceded the establishment of the Caringbah Homemaker Centre. The “bulky goods premises” was in fact permissible under SSLEP 2000. Ironically, by virtue of gazettal of SSLEP 2006, “bulky goods premises” became prohibited on the subject site whilst the much more recent Caringbah Homemaker Centre development (and surrounding land) was formalised as the only land within Taren Point/Caringbah where bulky goods was permissible.

THE REQUEST

It is requested that the proposed zoning under Draft SSLEP 2013 be changed to enable “bulky goods premises”. This change to the Draft LEP is sought to regularise permissibility of components of the current use on the subject site which has existed for over 30 years and which was in fact permissible for a period of time prior to SSLEP 2006 being gazetted. The change would also enable similar bulky goods uses to occupy the site in the future.

This request may be enabled in one of two ways:

- 1) Include the subject site within the B5 which permits “bulky goods premises”;
- 2) Amend Schedule 1 – Additional permitted uses to specifically allow for “bulky goods premises” on the subject site. This can be achieved with the following wording under the heading “Caringbah”:

“ **Use of certain land at Parraweena Road and Taren Point Road, Caringbah**

- (1) This clause applies to the land at 94-98 Parraweena Road, Caringbah, being Lot 21 DP 564778 and 173-177 Taren Point Road, being Lot 1 DP 23960, Lot 2 DP23960, Lot 3 DP 23960 and Lot 4 DP 23960.

- (2) Development for the purpose of bulky goods premises is permitted with consent.”

STRATEGIC PLANNING

In preparing this submission, we have considered the strategic planning framework within which the Draft LEP has been prepared. It is our opinion that the subject request is not contrary to this framework at state or local level, particularly given that the request relates to formalisation of permissibility of a use that has existed on the site for over 30 years. That is, the proposal will not increase the supply of bulky goods premises (or land) in the locality now or in the future.

We make the following observations in relation to the strategic planning framework:

1. *South Subregion of the Draft Metropolitan Strategy:*

The Strategy promotes concentration of retail activity in centres, business development zones and enterprise corridors. It also notes that bulky goods premises are increasingly competing for cheaper land in industrial areas across Sydney, displacing industrial land uses and increasing traffic. In this regard, we note that the site has been used for “bulky goods premises” for over 30 years and therefore formalisation of the permissibility of such use will not displace industrial uses nor will it encourage additional trip generation to the locality.

Given that the subject site is in fact opposite the largest bulky goods precinct in the Sutherland Shire (being the Caringbah Homemaker Centre site and surrounding lands), it is our view that the “bulky goods premises” are in fact “centralised”, providing for compatibility and having minimal impact in terms of trip generation to out of centre locations.

2. *Employment Strategy – January 2013*

On exhibition, as supplementary information to demonstrate the strategy underlying the Draft LEP in relation to employment, is Council's *Employment Strategy*. The purpose of the Strategy is stated to include the evaluation of the underlying potential for employment growth and to ensure that the planning framework supports good economic, employment and social outcomes.

Of direct relevance to the subject request is *Objective 4 – to address the growth in demand for bulky goods retailing* states, inter alia, that despite strong regional demand for bulky goods, Sutherland Shire's supply of bulky goods retail floor space is below the average for the Sydney Metropolitan Area. It also states that there is considerable consumer demand to expand the Shire's relatively small bulky goods precinct in Taren Point.

Strategy 7 is to expand *bulky goods retailing in defined locations*. Specifically the Strategy states, inter alia, that while State planning policy dictates that bulky goods premises (as with most types of 'commercial premises') should be located in town centres and adjacent business zones, the number of strata properties in and adjacent to the majority of Sutherland Shire centres make this generally unachievable. It states that retailing is forecast as a growth industry for the Shire and regional demand for additional bulky goods remains high. The DSILEP has taken a conservative approach to the demand for additional bulky-goods premises allowing a small expansion of the Taren Point precinct.

In response to the objectives, we note that for over 30 years, the subject site has contributed to meeting the strong regional demand for bulky goods. The subject request does not seek to increase the supply of bulky goods floor space but rather maintain existing supply through formalisation of permissibility. The request will not result in structural change in use of land for different employment sectors and therefore will not offend the general aim to retain sites that can be used for higher-skill, higher employment-generating businesses in the Shire.

We note that 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.

The land along Taren Point Road comprises many relatively small, narrow allotments, with fragmented ownership, in many cases with difficult vehicular access and significant challenges to providing on-site car parking and truck access. The promotion of bulky goods use on these lands will effectively promote a continuous strip of such use as opposed to a more concentrated cluster such as the street block within which our client's property is located.

In contrast, our client's site is large and has good immediate access to Taren Point Road and cross-access from Parraweena Road. Over its 30 years of operation for bulky goods premises, it has been demonstrated that the site is suitable for its use and there are no impediments to such use continuing in the long term. The subject site is also located within a street block that is opposite the largest area of land zoned to allow bulky goods use in the Sutherland Shire and is connected to that street block by signalised pedestrian crossings.

The subject site in our view forms somewhat a gateway to the bulky goods precinct of Taren Point and therefore would be ideally formalised for such uses. It is in our view highly unlikely that traditional industrial uses would occupy the subject site for the reasons cited above. In contrast, our client desires the certainty of permissibility in use in order to make significant investment in upgrading facilities on the site which have been serving the general public for over three decades.

Accordingly, to meet the objectives of Council's *Employment Strategy*, it makes town planning sense to protect existing holdings (or "clusters") of bulky goods use that have contributed to meeting the strong and persistent demand for such facilities over three decades, even before seeking to expand permissibility of such use to less appropriate land to form new "clusters" for such use. It also makes town planning sense to enable the upgrade of these facilities to contemporary standards with the certainty of permissibility.

3. *Draft LEP 2013*

The subject site is located within the IN1 – General Industrial Zone pursuant to Draft Sutherland LEP 2013. Of relevance, permitted within the IN1 zone is "general industries" and "warehouse or distribution centres". "Bulky goods premises" are not permitted. As indicated in the Site Description section of this submission, the existing use on the site incorporates elements of "general industry" where goods are "worked on" as well as "warehousing" of goods pending their sale. The use has however for 30 years also incorporated a sales component. Whilst most products are ordered at the site and delivered direct to customers, there is also an obvious sales element on the site also.

We are of the view that the B5 – Business Development zoning is generally more reflective of the land uses that make up the subject site and surrounding locality. To the north of the site is a service station, lighting retailer, hotel and motel, bulky goods premises (BCF) and a supermarket. Immediately to the west is Cronulla Furniture (bulky goods premises), land subject to a development application for gymnasium and child care centre, land subject to approval for a child care centre and children's play centre and a hardware and building supplies use. To the east is a mix of uses occupying land that is zoned to allow bulky goods premises. To the south are factory units, incorporating a number of different uses including bulky goods premises.

The B5 zone maintains permissibility of 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.

If the recommendation that the B5 zone be applied to the site is not accepted by Council, given the land use context of the site which in our view can be described as a “transitional locality”, at the very least the formalisation of permissibility of bulky goods premises on the subject site through an “additional use clause” will not be inconsistent with surrounding uses or in conflict with the zone objectives.

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 Draft LEP in its current form does not appropriately respond to Council's Employment Strategy. The Strategy highlights the need for expansion of the area in which bulky goods premises are permitted however fails to acknowledge a significant land holding that has been used in this manner for over 30 years that does and can continue to contribute to this need.

The subject request can be implemented through inclusion of the subject site in the B5 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. The subject site is and has been in economic use for many years for bulky goods premises and support of this continuing is considered to be in the public interest.

As demonstrated in this submission, the subject request is not inconsistent with the Sydney Metropolitan Strategy or Council's Employment Strategy and 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



ANNEXURE B

COPY OF SECOND ROUND SUBMISSION ON DRAFT SUTHERLAND LEP 2013

Our Ref: 0084/13lt1
Your Ref: LP/03/79340

12 September 2013

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

Dear Sir/Madam,

**SUBMISSION ON THE DRAFT SUTHERLAND LEP 2013
NOS. 94-98 PARRAWEENA ROAD AND NOS. 173-177 TAREN POINT ROAD**

We refer to the *Draft Sutherland Shire LEP (SSLEP) 2013* which is currently being re-exhibited until 17 September, 2013. We act on behalf of the owner of the above property which is located on the southern side of Parraweena Road and western side of Taren Point Road. The property is known as Nos. 94-98 Parraweena Road and Nos. 173-177 Taren Point, with a legal description of:

- Lot 1 DP 23960;
- Lot 2 DP23960;
- Lot 3 DP 23960;
- Lot 4 DP 23960; and
- Lot 21 DP 564778.

Planning Ingenuity made a submission on behalf of this property owner in relation to the original exhibition on the Draft LEP. We note that despite the property description above being included in our submission that requested zoning changes, much of the discussion in the Council report responding to submissions on the Draft LEP excluded reference to Nos. 173-177 Taren Point Road. Again, the current submission relates to all property listed above and for reasons discussed below, its inclusion is very important to our request.

We also wish to correct the error on Page 6 of the staff response to our earlier submission on "Taren Point Bulky Goods" that states that several properties surrounding our client's site are in common ownership. This is incorrect. Our client owns only the properties referred to above.

The total land area in our client's ownership is 6,651.9m² and is occupied by four separate buildings which comprise a mix of uses that could be defined as "warehouse or distribution centre", "industry" (where goods are made and altered) and "bulky goods premises" as defined by the Draft LEP.

We acknowledge and appreciate the detailed discussion of our previous request which was essentially to enable future use of the subject site for bulky goods retailing purposes. Staff concluded that there is merit in our client's land, as well as properties from No. 181 through to 193 Taren Point Road, being used for bulky goods purposes and this sentiment was endorsed by Council. However, staff prefaced this on the basis *"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."*

It was concluded by staff that *“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.”*

Whilst we support Council's endorsement of the land use aspect of our request, the premise on which support is given is unworkable given the ownership pattern of land in the precinct and the nature of existing development is unnecessary given the ability of certain sites to meet all of the criteria without being part of an overall master plan. Each of these matters is now discussed in the context of our client's land under relevant subject headings:

Ownership and Development Pattern

As indicated above, contrary to the staff report, the ownership pattern within the area “earmarked” for possible bulky goods development under a master plan is fragmented. Whilst our client owns 5 of 9 lots, the lots outside of their ownership largely include factory unit development with several tenants, all subject to individual leases periods and terms. Land at 181-187 Taren Point Road is within a Strata Plan and is of relatively recent construction. Accordingly, development of the overall precinct under a master plan is unlikely to occur in the medium or even longer term. As demonstrated below, such an approach is unnecessary in any case to achieve the objectives articulated by Council and will in fact stifle achievement of the aims of Council's Employment Strategy.

Flooding

Staff's comments in relation to our earlier submission indicated that flooding was a significant impediment to use of the subject site for bulky goods retailing and that to solve these issues there is likely to be a need for consolidating our client's site with others in the precinct. At the outset, we note that change to any use on the site or rebuilding would require analysis of flooding impacts and therefore aside from the risk profile being different for different types of uses, flooding matters should not be isolated to a bulky goods use.

In any case, we have obtained advice from hydraulic experts, Kozarovski and Partners, who have undertaken extensive flood modelling and analysis on the subject site, surrounding sites and generally within the “Gwawley Bay Flood Study” area (refer to Attachment 1). Responding to our brief that they determine whether the site was capable of meeting Council's flooding requirements as they would apply to a bulky goods retailing use, their advice concluded as follows:

- *The existing building on the subject site and car parking area can be at levels and have measures in place that present no impediment to use for bulky goods purposes;*
- *Any additional requirements could be achieved through the DA process and should be no reason to not permit bulky goods retailing.*

The area along Parraweena Road is affected by the overland flow during large storm events. The flood levels in front of the site are around RL 2.7m AHD during the 100 year flood event (Kozarovski and Partners flood study July 2008 and Bewsher Consulting Gwawley Bay Flood Study July 2009). The existing floor level is below the flood level.

The flood study notes that the existing driveway and carpark at the back of Nos. 94-98 Parraweena Road are affected by the overland flow however the flood hazard is low and could be readily addressed through minor raising of the car park level. The Study indicates that to do this would not affect flood levels elsewhere and it will result in a low flood hazard and depths at or lower than 200mm.

Furthermore, the existing mezzanine (Floor level > 6.5 m AHD) can be used as a safe refuge point during extreme floods such as PMF because it is well above the PMF level of 3.5 m AHD. The building is constructed from solid materials such as concrete and steel and it would be capable of withstanding the forces of flowing water and debris during extreme floods (subject to an assessment of a structural engineer).

We note that any future proposal for use of the site for bulky goods retailing would require a development application. Pursuant to Clause 6.5 of the Draft LEP, Council would need to be satisfied that flood requirements were met prior to granting consent to any such use and therefore the opportunity would be available to Council to impose any conditions for detailed design requirements at that time. Therefore, beyond the conclusions reached by Kozarovski Partners in relation to the site conditions, adequate safeguards are available to Council to ensure that flooding standards are met during the development application process. There appears to be no impediment to any of the applicable requirements being met on the subject site and therefore no reason to obstruct economic development of the site on the basis that flooding issues can only be addressed on a consolidated site.

Traffic

The subject site has access from Parraweena Road and Taren Point Road. As it exists, the access points to the site provide no impediment to its use for bulky goods purposes. Similarly, ample car parking is provided. Whilst smaller sites within the precinct discussed in Council's report may be challenged in terms of access and car parking, the subject land is not so affected. We note that the Draft LEP includes many other sites along the eastern side of Taren Point Road that are of sizes and dimensions that would present far greater impediment to traffic and parking than the subject site.

Urban Design

As indicated, our client owns land in excess of 6,600m². This includes the important corner site which acts as a gateway to the bulky goods precinct of Taren Point. In our view, there is no reason that the urban design objectives of providing for a gateway statement at this intersection requires consolidation of any more property than is in our client's ownership. Therefore, given the nature of the site it will not preclude its integration with later development of other sites should that occur.

Site Size

Our client owns a site with a consolidated area of 6,600m². This area is several times larger than most of the sites along the eastern side of Taren Point Road which have been included in the B5 zone under the Draft LEP. It is our view that a site of this size is clearly capable of accommodating new large scale development in the future, consistent with Council's longer term objectives. In fact, the site is unique as being the largest land holding in single ownership that would be zoned to allow a large scale comprehensively planned bulky goods development in the future.

As discussed below, our client's intent is twofold. Firstly, it is intended to formalise use of existing development on the site to allow bulky goods retailing in the short term. The above justification shows no impediment to this being acceptable. The longer term objective however would be to realise the vision of a larger purpose designed bulky goods development across the site. Again, there is absolutely no impediment to such development being possible in light of the site constraints. In order to enable that best opportunity be available to address site constraints upon long term redevelopment, we have suggested below that a minimum lot size might be applied where redevelopment (as opposed to minor renovation to the existing buildings) be proposed.

The request

On the basis of the above justification, it is requested that the proposed zoning under Draft SSLEP 2013 be changed to enable “bulky goods premises” to operate on the site, without the need to be part of a wider master plan. Our client’s request is twofold.

Firstly, it is requested that the LEP be amended to regularise permissibility of components of the current use on the subject site which has existed for over 30 years. Secondly, it is requested that amendments be made to allow new bulky goods uses to occupy the site in the future as part of a consolidated redevelopment of the site that would see all site constraints addressed as well as meeting the urban design vision for the important corner of Parraweena Road and Taren Point Road.

This can be achieved by amending Schedule 1 – Additional permitted uses to specifically allow for “bulky goods premises” on the subject site. This can be achieved with the following wording under the heading “Caringbah”:

- “ **Use of certain land at Parraweena Road and Taren Point Road, Caringbah**
 (1) This clause applies to the land at 94-98 Parraweena Road, Caringbah, being Lot 21 DP 564778 and 173-177 Taren Point Road, being Lot 1 DP 23960, Lot 2 DP23960, Lot 3 DP 23960 and Lot 4 DP 23960.

 (2) Development for the purpose of bulky goods premises is permitted with consent.”

Should Council be concerned about piecemeal redevelopment of our client’s site which may set in place a long standing development form of new individual buildings on the five allotments, it may be appropriate to impose a “conditional” provision within the “additional use clause” to state that redevelopment work of any site on the subject land beyond minor alterations and additions to existing buildings must not occur unless a minimum allotment size is achieved.

This would have the effect that any large scale redevelopment would be of a major development site and would be capable of being designed in a way that would address traffic issues, long term flood affectation and would allow flexible urban design outcomes.

This approach will allow economic use of the land in the short term, which as demonstrated above is possible, and also allow the long term objectives of encouraging high quality additional bulky goods retailing in the locality to be realised.

Accordingly, it is our strong view that the objectives of Council’s Employment Strategy, which promotes expansion of the Taren Point Bulky Goods Area, can be fostered through the requested amendments to the Draft LEP as outlined above. The outstanding issues raised by staff in relation to site constraints that may affect the ability of the land to be used for this purpose have been resolved. Our client’s land presents far better opportunities for appropriate bulky goods development compared with smaller, narrower sites that have been earmarked for the B5 zone along the eastern side of Taren Point Road, north of Parraweena Road.

We respectfully request that if for procedural reasons these changes cannot be made to the current Draft LEP due to the need to re-exhibit the plan, that the changes be incorporated in the first amendment to the new LEP, which is likely to be soon after gazettal.

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

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

Jeff Mead
DIRECTOR

ATTACHMENT 1 – FLOOD ADVICE – KOZAROVSKI PARTNERS

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Date: 11 September 2013

To whom it may concern

**Flood affectation and the land use of
No. 96-98 Parraweena Road, Taren Point**

The area along Parraweena Road is affected by the overland flow during large storm events. The flood levels in front of the site are around RL 2.7 m AHD during the 100 year flood event (Kozarovski and Partners flood study July 2008 and Bewsher Consulting Gwawley Bay Flood Study July 2009). The existing floor level is below the flood level.

Kozarovski and Partners undertook a flood assessment for the site in September 2013. The results of the assessment indicated that the existing driveway and carpark at the back are affected by the overland flow. The flood hazard is low, however, the depths of flow are deeper than 200mm. If the driveway/carpark is lifted, it would not affect flood levels elsewhere and it will result in a low flood hazard and depths at or lower than 200 mm.

The existing mezzanine (Floor level > 6.5 m AHD) can be used as a safe refuge point during extreme floods such as PMF because it is well above the PMF level of 3.5 m AHD. The building is constructed from solid materials such as concrete and steel and it appears to be capable to withstand the forces of flowing water and debris during extreme floods (subject to an assessment of a structural engineer).

It can be concluded that:

- The existing building on the subject site and car parking area can be at levels and have measures in place that present no impediment to use for bulky goods purposes;
- Any additional requirements could be achieved through the DA process and should be no reason to not permit bulky goods retailing.



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Flood Assessment Report for No. 96-98 Parraweena Road, Taren Point

Introduction

The area in the vicinity of the site is subject to overland flow during large storm events. A relatively large catchment (some 110 ha) drains towards Parraweena Road. Kozarovski and Partners conducted a flood study for the area in 2008. The peak discharge values for the entire catchment area were taken from the flood study and are reproduced in Table 1.

Table 1, Peak design flood discharge values (m³/s)

ARI	5y	10y	20y	50y	100y	PMF
Q (m ³ /s)	21.0	25.2	30.9	36.0	41.8	165.3

It was a common practice to design the drainage systems using the 5 year design flows. The peak overland flow during a 100 year ARI design flood is therefore $Q_{100y} = 41.8 - 21.0/2 = 31.3$ m³/s

Bewsher Consulting Pty Ltd conducted a wider flood study of the area (Grawley Bay Catchment Flood Study 2009) using a two dimensional model. Three major overland flow runners are shown on the 100 year flood map along Taren Point Road, the driveway between No. 100 and 98 Parraweena Road and 3 minor overland flow runners to the west. It was assumed that the overland flow would be evenly distributed between these runners with 10.4 m³/s running along Taren Point Road and 10.4 m³/s running between No 100 and No. 98 Parraweena Road.

A minor overland flow path would be created behind No. 98 and 96 Parraweena Road from an overflow from Taren Point Road. The 100 year flood level of 3.05 m AHD at the driveway crossing at Taren Point Road was interpolated from Bewsher Consulting Flood Study. The overland flow was calculated using broad crested weir equation (Table 2).

Table 2, 100y Overflow from Taren Point Road

	W1	W2	
Crest	2.94	2.82	
Width	4	6.7	
H (m)	Q (m3/s)	Q (m3/s)	Qtotal (m3/s)
2.96	0.019	0.597	0.616
2.98	0.054	0.729	0.783
3	0.100	0.870	0.970
3.02	0.154	1.019	1.173
3.04	0.215	1.175	1.390
3.05	0.248	1.256	1.504
3.07	0.319	1.424	1.742
3.09	0.395	1.598	1.993

Therefore, some 1.5 m3/s would overflow from Taren Point Road and it would join the 10.4 m3/s in the driveway between No. 100 and No. 98 Parraweena Road.

Hydraulic model

The depth and velocity along the driveway behind No. 96 and 98 Parraweena Road were calculated using HEC-RAS model. HEC-RAS is a steady state hydraulic model widely used by the industry. The locations of the cross sections are shown on Drawing C-2368-01.

The hydraulic model was run using a mixed flow option, starting at RL 2.7 m AHD (Kozarovski and Partners 2008) and a critical depth at the upstream end.

The hydraulic model results for the 100 year flood are given in Table 3. The hydraulic hazard along the overland flow path is low, however, the depths exceed 200 mm which is not acceptable.

Table 3, HEC-RAS results, 100y Flood, Existing Conditions

XS	Q (m3/s)	Invert (m)	WL (m)	Depth (m)	V (m/s)	V x D (m2/s)
7	1.5	2.78	2.994	0.214	1.18	0.25252
6	1.5	2.6	2.876	0.276	0.54	0.14904
5	1.5	2.5	2.844	0.344	0.61	0.20984
4	1.5	2.4	2.853	0.453	0.21	0.09513
3	1.5	2.4	2.852	0.452	0.22	0.09944
2	11.9	2.13	2.691	0.561	1.56	0.87516
1	11.9	2.03	2.7	0.67	1.09	0.7303

The overflow from Taren Point Road is not affected by the backwater from Parraweena Road. The cross sections along the overland flow path were lifted to achieve an

acceptable depth of flow. The results of the lifted cross sections are given in Table 4 and the differences in Table 5.

Table 4, HEC-RAS results, 100 y Flood, Proposed Conditions

XS	Q (m3/s)	Invert (m)	WL (m)	Depth (m)	V (m/s)	V x D (m2/s)
7	1.5	2.78	2.994	0.214	1.18	0.25252
6	1.5	2.76	2.961	0.201	0.62	0.12462
5	1.5	2.73	2.912	0.182	0.7	0.1274
4	1.5	2.72	2.901	0.181	0.5	0.0905
3	1.5	2.7	2.882	0.182	0.49	0.08918
2	11.9	2.13	2.691	0.561	1.56	0.87516
1	11.9	2.03	2.7	0.67	1.09	0.7303

Table 5, Differences (Proposed – Existing)

XS	Q (m3/s)	Invert (m)	WL (m)	Depth (m)	V (m/s)	V x D (m2/s)
7	0	0	0	0	0	0
6	0	0.16	0.085	-0.075	0.08	-0.0244
5	0	0.23	0.068	-0.162	0.09	-0.0824
4	0	0.32	0.048	-0.272	0.29	-0.0046
3	0	0.3	0.03	-0.27	0.27	-0.0103
2	0	0	0	0	0	0
1	0	0	0	0	0	0

The proposed fill along the overland flow path would not result in changes in water levels anywhere but through the site, resulting in acceptable depth and low hydraulic hazard.

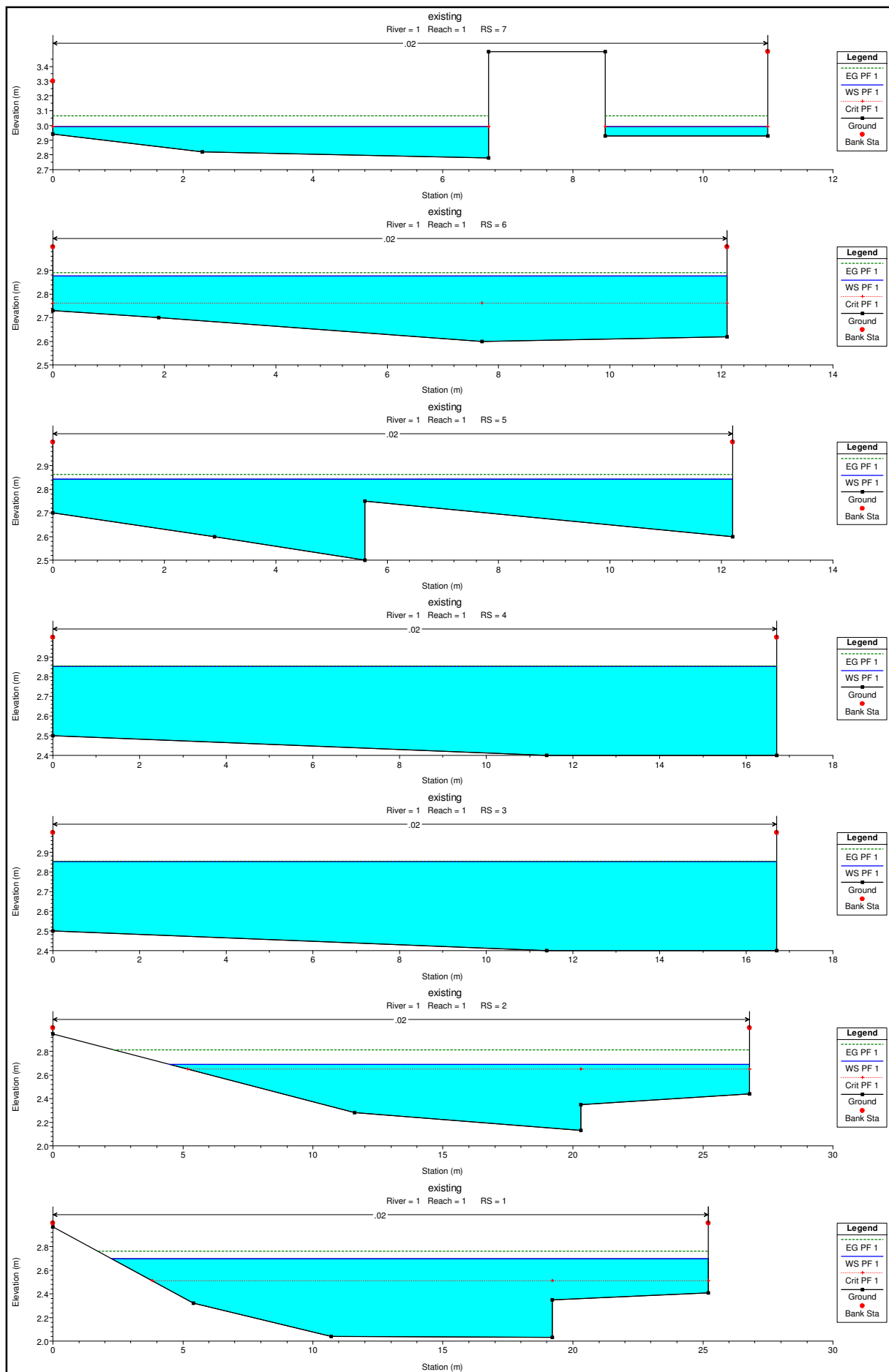
The minimum floor level of any development would have to be set 500 mm above the 100 year flood level or at RL 3.4 to 3.5 m AHD.

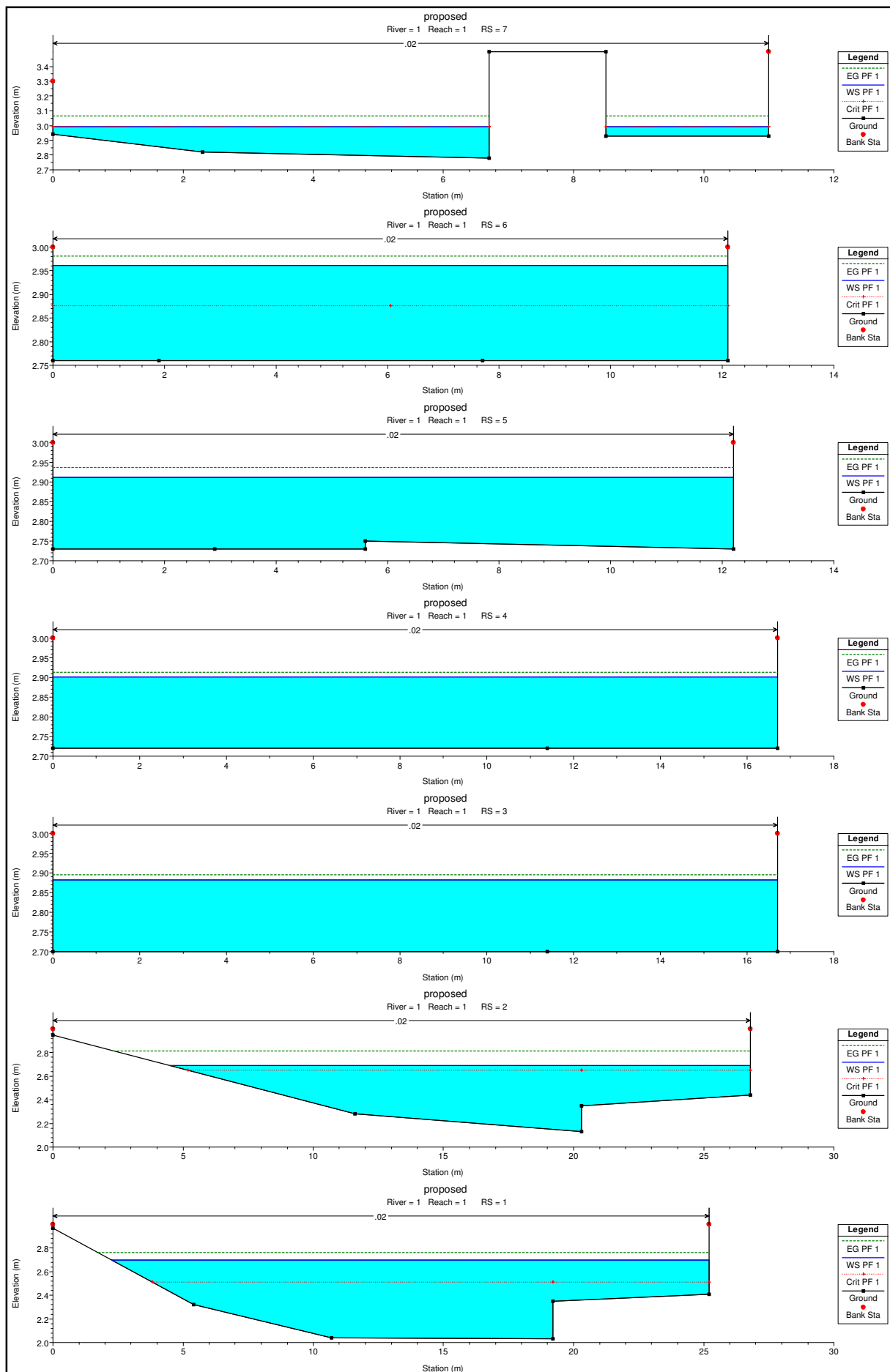
The flood hazard along the overland flow in Parraweena Road would be high and carparking and main communication with the buildings would have to be from the driveway behind.



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Appendix A
Cross sections
Existing conditions
&
Proposed conditions







ANNEXURE C

COPY OF MINUTES OF PRE-DA MEETING WITH COUNCIL



Michael Hornery - 9710 0825
File Ref: PAD13/0017

22 May 2013



Cronulla Carpets Pty Ltd
94-98 Parraweena Road
MIRANDA NSW 2228

Attention: James Smith

Dear Sir/Madam

Pre-Application Discussion No. PAD13/0017 for proposed alterations & additions to an existing industrial building at 173-175 Taren Point Road Caringbah

I refer to the pre-application discussion held on 9 April 2013. The following is a summary of the matters addressed at the meeting. This letter is not a complete assessment of the application but is intended to address the major issues likely to arise if an application is submitted. The contents of this letter do not bind Council to granting consent for the proposed development if and when an application is made.

Description of Site and Proposal:

The site is located off the south western corner of the intersection of Parraweena Rd and Taren Point Road and consists of Lots 1 & 2 DP 23960. The site is an irregular shaped allotment and has a total area of 1903.3m² (by D.P). The site is relatively flat, with a slight fall towards the north. Each lot contains a freestanding single storey building to an overall height of approximately 5m, with both buildings being connected by an enclosed accessway approximately midway along the common boundary.

The buildings were erected circa 1960s and are used for the display, warehousing and cutting of carpets and other floor coverings. There is a small parking area at the front north eastern corner of Lot 1.

On the northern side of Parraweena Road, directly opposite, is a Shell service station. To the west of this are a mix of uses, including Beacon Lighting, Taren Point Hotel, BCF (Boating/Camping/Fishing) and an IGA Supermarket. Adjoining to the west of the site is a building also occupied by Cronulla Carpets. Further west is Cronulla Furniture, a timber warehouse and two vacant sites. To the south is a warehouse and a large car park used for the storage of vehicles. To the east, on the opposite side of Taren Point Road, is a bulky goods precinct which includes Bunnings and the Caringbah Homemaker Centre.

- Parking

An application for a new building must include parking at the rates specified in Sutherland Shire Development Control Plan 2006 (SSDCP 2006). If the proposal is for alterations and additions with no increase in floor area then the number of existing parking spaces may be retained.

The current uses are proposed to be continued. Possible future use/s will be required to be assessed against the planning controls applying at that time, should consent be required. With parking limited to the existing spaces, or limited to 1 per 300m² (the 'warehouse rate' in SSDCP 2006), other permissible uses for the building may not be supported should they require a higher rate of parking.

- Local Strategies – SSDCP 2006

Chapter 2, Section 13, of SSDCP 2006 provides Local Strategies for the Taren Point Employment zone. Clause 13.c.1 applies to Taren Point Road and amongst other matters seeks to:

"... encourage a combination of high quality architecture and landscaping along the length of the road. The desired future character of Taren Point Road is one which is not dominated by a proliferation of advertising signage and parking areas. Instead, the appearance of the road should be commercial and industrial buildings with visible but not competing signage, in an attractively landscaped setting"

and provides that:

"Locating on Taren Point Road provides opportunities for businesses to have a high visibility to passing motorists as well as good access and proximity to the airport and Port Botany. A more attractive street ambience will make this an even more desirable location."

The current design does not achieve these objectives and does not improve the business' visibility. The work proposed is extensive and is therefore likely to remain for some time. Council is concerned that this not become an opportunity missed to improve the contribution of the site both to the public domain and the economic viability of the uses that occupy the building now and in the future.

Conclusion:

It appears that very little of the existing external fabric will be retained. The works appear to comprise a new building rather than alterations and additions.

The site is in a landmark location, with high visibility and high volumes of passers-by. The design of the building will not take advantage of this. Both street elevations contain very few windows and are mostly large expanses of concrete panels. The building will effectively turn its back to both street frontages.

Articulation and glazing within the eastern and northern walls would assist in the design and aesthetic of the building, and could importantly provide display area, readily viewable from the public domain, for the current and future users. The built

The red shaded lands are those properties either directly burdened by the 6m easement, and in the event of a 1% AEP storm event are at high risk from the flooding of those properties. It is considered that the works required to upgrade the drainage infrastructure crossing these properties to the standard required to mitigate safety risks to the public (i.e., customers and staff) in the event of a flood are expensive to the point of being cost prohibitive. Therefore, to zone these properties for uses which cannot be undertaken without significant expenditure - as proposed in the submissions - creates unrealistic expectations as to the capabilities of the land.

A similar view was expressed by the Land and Environmental Court in Appeal No. 10521 of 2006 in respect to a Development Application to expand the retail premises at 119-121 Parraweena Road for a food shop. Retail uses are generally prohibited in Zone 11 – Employment, except within the designated bulky goods precinct. In this instance, the retail premises on the site operates under existing use rights (previously a plant nursery). The Court refused the application for a food shop on the grounds of *significant risks making the site unsuitable* on the basis of flooding and evacuation. Concern was raised that the proposed non-confirming use is one that relies on significant number of customers, and that by attracting a large number of private vehicles to the site, special bollarding was required to prevent vehicles to the site from being washed away. The judgement stated: *These are extraordinary arrangements and are uncommon and undesirable*. The Court also concluded that: *This does not mean that the site is to be sterilised as other industrial uses are possible, which involve much less visitation by the general public*.

With respect to the subject properties, based on the reassessment of the area west of Taren Point Road following the Gwawley Bay Flood Study (and as mapped above), it is considered that 100 – 104 and 119 -121 Parraweena Road are not suitable for bulky goods for the reasons stated in the L&EC decision above. Thus, it is appropriate that they remain zoned for IN1 General Industrial, as exhibited.

For the subject properties identified as being outside the flood affected areas (i.e., 94-98 Parraweena Road and 181-187 and 191-193 Taren Point Road), the question is whether there is sufficient merit to rezone them to allow bulky goods (B5 Business Development) and, if so, does that same rationale apply to other properties on the west side of Taren Point Road currently proposed to be zoned IN1 and not subject to flood risk.

Impacts and benefits of bulky goods retail

Potential impacts associated with bulky goods retailing in this location include increased traffic and associated access and parking problems along an already congested arterial road, and the further loss of existing industrial uses to non-industrial uses.