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Carolyn McNally
Secretary
NSW Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

SUBMISSION TO PROPOSED AMENDMENTS TO STATE ENVIRONMENTAL PLANNING POLICY (THREE PORTS) 2013

Dear Madam,

This submission has been prepared on behalf of RPG Botany Pty Ltd (RPG) in relation to the proposed amendments to *State Environmental Planning Policy (Three Ports) 2013* (SEPP Three Ports) which are currently on exhibition for public comment until 1 November 2018.

1. Introduction

RPG presently own 45 Green Street, Banksmeadow (Lot 2 in DP1029291) to which SEPP Three Ports applies and therefore raises concerns with respect to some of the amendments proposed to the Environmental Planning Instrument. Under the provisions of SEPP Three Ports, the site is zoned IN1 General Industrial, and is presently used for industrial purposes and contains one warehouse and ancillary office building. In total, the land area equates to 7,954sqm.

A Development Application was lodged for a proposed 61-unit warehouse and industrial facility with Bayside Council on 18 April 2018 which is currently under assessment. The proposed development is currently permitted under SEPP Three Ports with consent.

The application generally comprises:

- Demolition of the existing buildings and associated site works;
- Construction of a two-storey industrial building containing 61 warehouse and industrial units;
- Proposed site landscaping;
- Provision of 85 car parking spaces including two disabled parking spaces;
- Proposed driveways and manoeuvring areas; and,
- Proposed vehicle ramp, which will provide access to the first-floor units.

The existing and proposed site layout along with the development perspective and zoning map is provided in **Figures 1-4** overleaf.

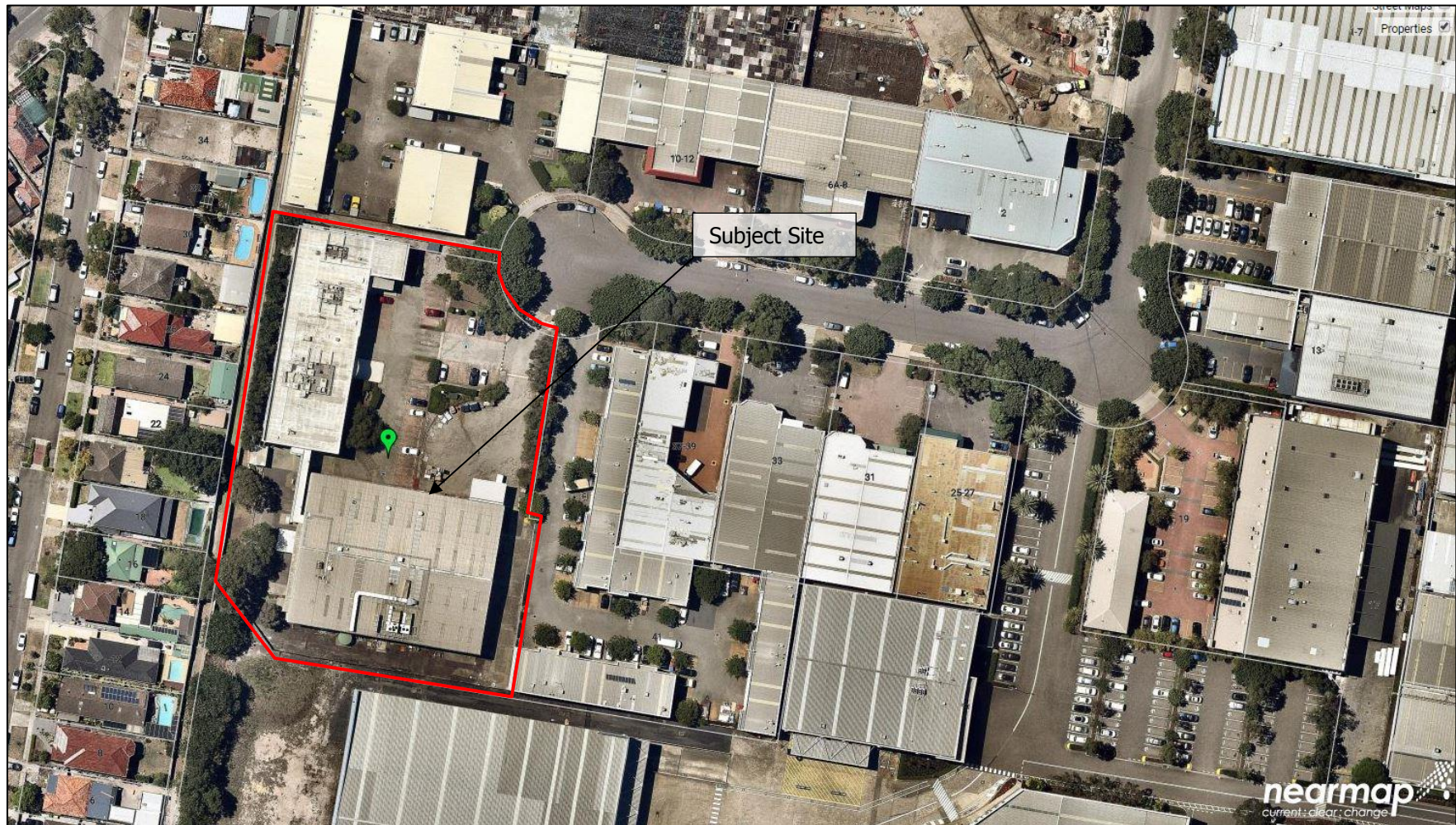


Figure 1: Subject Site (Source: Near Maps, 2018)

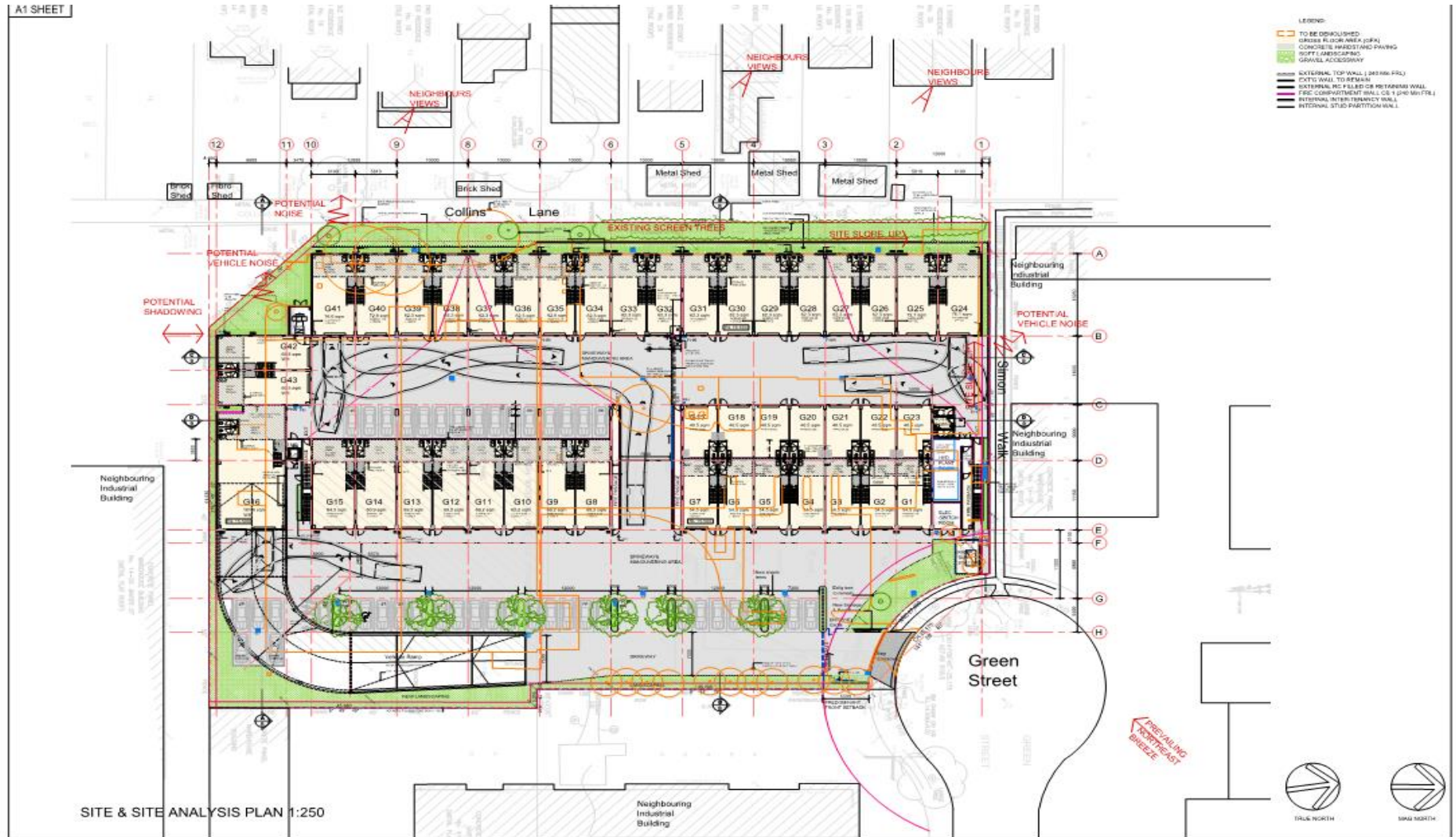




Figure 3: Perspective of Proposed Development (Source: Pressley + Temelko, 2018)

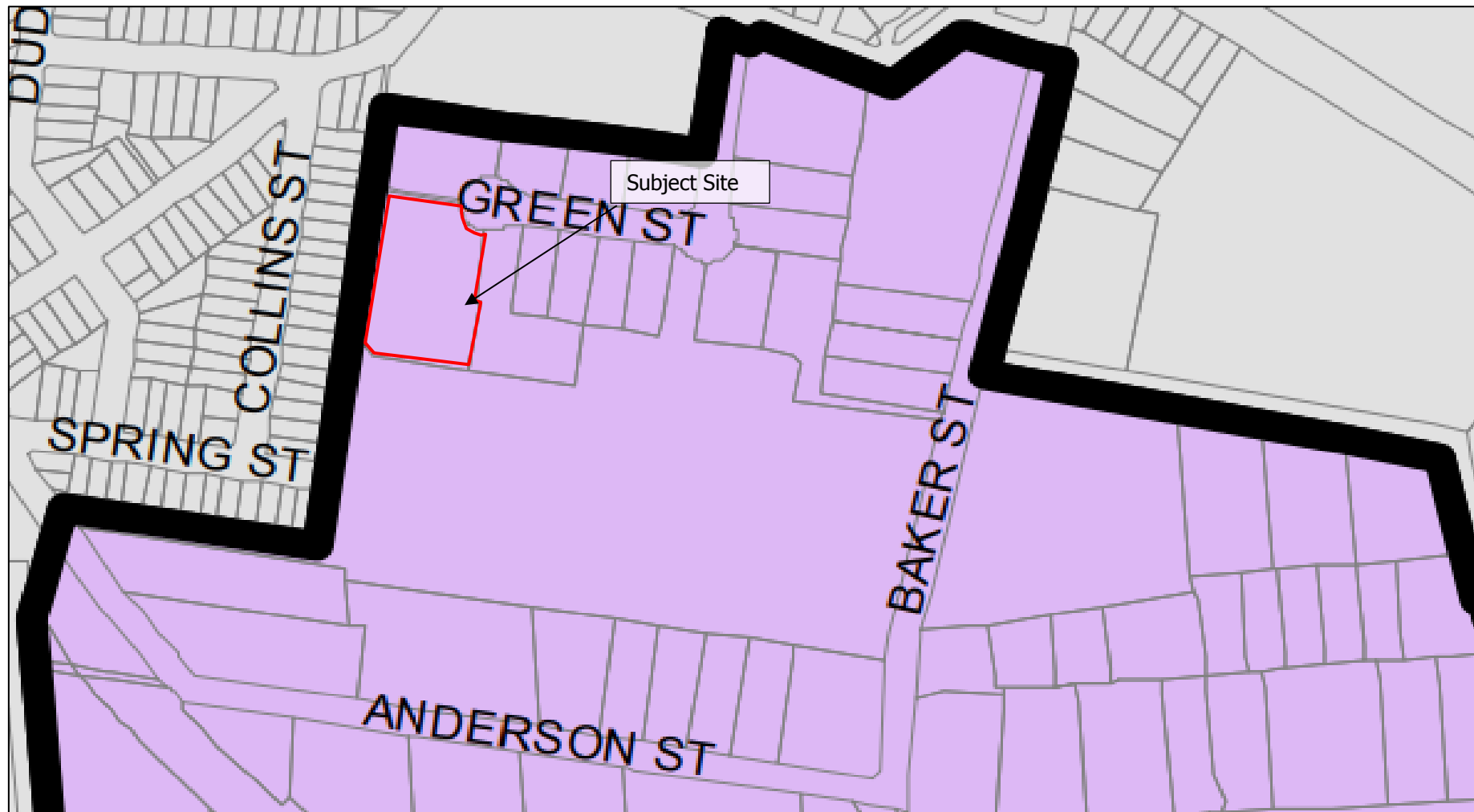


Figure 4: SEPP Three Ports Zoning Map (NSW Legislation, 2018)

The proposed amendments to SEPP Three Ports are ambiguous and require further clarification to ensure that the development proposed by RPG is not undermined. In summary, the comments of RPG in respect of the proposed changes are summarised in the below sections:

2. Implementation of a 2HA minimum Lot Size

Option 2 within The Explanation of Intended Effects (EIE) published by the NSW Department of Planning and Environment (DP&E) dated September 2018 proposes to introduce a 2ha minimum subdivision lot size for lots which are currently greater than 2ha in area and zoned IN1 General Industrial under SEPP Three Ports 2013. It is noted that the subject site which is owned by RPG is less than 2ha, and therefore the proposed change would not apply. RPG does not object on the basis that this proposed criterion would not apply to the subject site.

3. Restriction of Land Uses within the IN1 General Industrial Zone

As discussed within the EIE, the proposed amendments provided under Option 3 seek to restrict land uses within the IN1 General Industrial Zone to container storage and port related uses. However, there is no clear definition as to what these uses would constitute and how a relationship with the port would be defined to allow RPG to understand the impact on the proposed development at 45 Green Street, Banksmeadow. Accordingly, for this policy change to be considered further, this information would need to be understood to determine how it may impact the proposed development.

Any change made to SEPP Three Ports which places a limitation to permit only container storage and port related uses must consider the fact that there is an inherent interaction with most of the industrial land uses located within the Three Ports area, and therefore such proposed amendments would affect the ongoing viability and operational capacity of the present and future businesses.

Relevantly, there is presently a severe undersupply of industrial zoned land within Metropolitan Sydney. Any further limitations on the types and nature of operations which can be carried out within the SEPP Three Ports land application area would result in exacerbated pressure on the supply of industrial land and cause further increases in land and lease prices.

The DP&E Employment Lands Development Monitor (ELDM), has tracked both the total stock and development status of all B5- Business Development, B6- Enterprise Corridor and B7- Business Park zoned land, in addition to all Industrial zoned land under the Standard Instrument Local Environmental Plans in the Greater Sydney and Central Coast Region. This included all related lands within the Employment Land and Business Park precincts and all special-use zones for the port and airport, which also provide for employment.

The DP&E has tracked both the total stock and employment land across Business and Industrial Zones to determine if sufficient employment land exists in the supply chain to satisfy future demand. Clearly, the focus to provide employment is paramount in all strategic planning documents prepared for the Sydney Metropolitan Area, and therefore should be duly considered with respect to any proposed amendments to SEPP Three Ports to ensure that there are no undue impacts on supply and prices.

The Greater Sydney Commissions (GSC) *A Working Metropolis* suggests existing industrial land should permit and encourage an expansion of land uses to enable space for a variety of activities. The SEPP Three Ports proposed amendments should therefore not be inconsistent with the GSC. Whilst it is understood that the land within the Three Ports plays a vital role on a national and international scale, the proposed criterion to place limitations on the types of uses which can operate within the IN1 General industrial zone is not warranted.

It is noted that there is commentary within the EIE which states that any existing land uses could rely on existing use rights in the instance where the permissible land uses are changed or omitted from SEPP Three Ports, however this is not desirable as it would create planning uncertainty for future redevelopment of sites to which the SEPP applies.

Accordingly, RPG requests that savings and transitional provisions are included so that the changes proposed apply only to applications lodged/made after the amendments commence.

At a minimum, RPG supports the continued permissibility of development for the following purposes within the IN1 General Industrial Zone as presently permitted by SEPP Three Ports as they are considered suitable having regard to the locality:

Boat building and repair facilities; Business premises; Depots; Food and drink premises; Freight transport facilities; General industries; Jetties; Light industries (other than artisan food and drink industries); Neighbourhood shops; Office premises; Roads; Signage; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities

4. Heads of Consideration Provisions

Based on the EIE dated September 2018, the following heads of consideration are proposed to be included within SEPP Three Ports to further regulate the subdivision of land:

- The impact of the subdivision on the Port or the suitability of the subdivision;
- Location/access to the port;
- Potential land use conflicts; and
- The natural and physical constraints and future opportunities for the land.

RPG requests that savings and transitional provisions are included so that the changes in this respect apply only to applications lodged/made after the amendments commence.

5. Do Nothing Scenario

The current operation of the SEPP Three Ports is considered to provide essential employment generating land uses in various forms, which are complimentary and compatible with Port Botany. The material benefit from the proposed amendments as stated in Part 2 of the EIE is not apparent and therefore the Environmental Planning Instrument should remain unchanged.

6. Conclusion

In summary, RPG offers the following comments in relation to the changes to SEPP Three Ports:

- A. The proposed criterion is unclear and undefined with respect to port related uses.
- B. Any restriction on land uses would impact the industrial market which is experiencing severe undersupply.
- C. Limitations on the uses would contravene the strategic directions of the GSC.
- D. The existing framework under SEPP Three Ports is sufficient to ensure the orderly development of land which is in the public interest.
- E. Savings and transitional provisions should be implemented to ensure that any changes apply only to applications lodged/made after the amendments commence.

Any changes to the Environmental Planning Instrument should be subject to further detailed community consultation, particularly with existing land owners.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd