



1 November 2018

RJC:18-190

Director Industry and Infrastructure Policy
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Email: ThreePorts.SEPP@planning.nsw.gov.au

Dear Sir/Madam,

Re: Proposed changes to SEPP Three Ports 2013

We write on behalf of [REDACTED] ("our client") which is the incoming owner of [REDACTED] ("the Property"). The Property was recently contracted for sale to the incoming owner by [REDACTED]. A certificate of title and deposited plan for the Property are provided in **Attachment 1**.

Our client has requested us to prepare this submission in relation to the proposed changes to SEPP Three Ports 2013 ("the Three Ports SEPP"). Our submission is as follows: -

1. The Property

The Property is located on the southern side of [REDACTED] Banksmeadow (see **Figure 1**). It has an area of 0.248ha and frontages to [REDACTED] of 47m and to [REDACTED] of 25m. The irregular configuration of the Property is shown on **Figure 2**.

Erected upon the Property is a single storey building, the position of which relative to the site boundaries is shown on the aerial photo in **Figure 3A** and on the survey plan in **Attachment 2**. The most recent use of the building was for offices associated with the operations of [REDACTED].

2. Surrounding land uses

As shown on **Figure 3A**, the Property is: -

- to the south west and opposite the Hensley Athletic Field (see **Figures 3A and 3B**): Hensley Athletic Field is used for school sports carnivals, is frequently attended by

family groups with children and provides no car parking thus resulting in the use of Corish Circle for that purpose ;

- to the south east of Lot 101 in DP 1192400, which is the subject of a development application (10.2018.1175.1) for a 24/7 mobile concrete batching plant;
- to the north east of the Quenos chemical plant;
- to the north of a recent industrial subdivision (accessed via Julian Close) the lots in which are being developed primarily for strata industrial/warehouse units but with limitations on the on-site worker population to mitigate the risks/hazards associated with the transport of dangerous goods along Denison Street from Port Botany; and
- to the west of Denison Street, along the eastern side of which, north of Smith Street are dwellings and south of which are retail/industrial activities, including a Bunnings Warehouse.

3. Zoning

The Property is zoned IN1 General Industrial under the Three Ports SEPP (see **Figure 4A**).

The land use table for this zone is provided in **Attachment 3**.

Item 3 in the land use table sets out the permissible uses. Several of the uses are not commercially viable or appropriate on the site, particularly: “jetties”, “food and drink premises”, “neighbourhood shops”, “roads” and “signage”. Several other permissible uses are not suitable for an irregular-shaped, relatively small lot in this particular location, namely: “boat building and repair facilities”, “freight transport facilities”, “truck depots” and “waste or resource management facilities”.

That leaves “depots”, “general industries”, “light industries”, “business premises”, “office premises”, “vehicle body repair workshop”, “vehicular repair stations” and “warehouse” or “distribution centres”.

Of these, both a “depot” and a “warehouse or distribution centre” are likely to require a site area much greater than 0.248ha, as are “general industries”.

“Business premises” and “office premises” can only developed if they are associated with, and ancillary to, port facilities or industrial uses of land, as per Clause 21 of the Three Ports SEPP. Therefore, neither of these uses is eligible for the Property.

The Property also has limited commercial and practical appeal for the remaining permissible land uses (“light industries”, “vehicle body repair workshop” and “vehicular repair stations”).

4. Additional Uses

Clause 23 of the Three Ports SEPP provides a mechanism for “additional permitted uses” notwithstanding the land use restrictions in the IN1 General Industrial Zone.

Clause 23 refers to the “Additional Permitted Uses Map” (see **Figure 4B**). What is clear from the map is that where, along its western edge, the IN1 General Industrial Zone adjoins more sensitive land uses (i.e. residential), “additional uses” being “business premises” and “office premises” (which are likely to have a lesser environmental and amenity impact when compared to General Industry) are made permissible with consent.

5. Proposed Use and Requested Further Amendment to the Three Ports SERP

In line with this land use compatibility methodology which is already part of the SEPP, we request that as part of the proposed amendments to the Three Ports SEPP, a further amendment be made having the effect of making “self-storage units”, as defined in the Standard Instrument (Local Environmental Plans) Order 2006, permissible with consent on the Property.

Our client seeks the ability to develop the Property for the purpose of “self-storage units” which is a type of “storage premises” and in this regard their preliminary plan for the Property is provided in **Attachment 4**.

The benefits of making “self-storage units” permissible use on the Property include: -

- it is a benign use that can co-exist with a wide range of other land uses;
- it will result in no adverse impacts on the environment;
- it will satisfy a significant demand for off-site storage by a wide range of industrial, commercial and other users in the locality;
- it will generate the least amount of traffic when compared to any other alternative use;
- it will create no demand for on-street parking thereby having no detrimental impact on visitors to the Hensley Athletic Field who rely on Corish Circle for on-street parking;
- it will have a low on-site population at all times (normally no more than 1 or 2 people) thereby not giving rise to any hazard risk concerns associated with either the Quenos Chemical Plant or the movement of hazardous goods along Denison Street; and
- it can readily co-exist adjacent to the proposed concrete batching plant on the adjoining site to the north.

We request that you alter the Additional Permitted Uses map to include the Property and then alter Clause 23 to refer to “self-storage units” as a permissible use of the Property.



6. Further Action

We would appreciate the opportunity to meet with you to discuss this requested amendment to the Three Ports SEPP in due course.

Yours faithfully

BBC Consulting Planners

