

Planning Proposal Western Side Taren Point Road, Taren Point

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Part 1 - Objectives and Intended Outcome

This Planning Proposal has been prepared by Sutherland Shire Council to amend the Sutherland Shire Local Environmental Plan 2015 (SLEP 2015) as it applies to the western side of Taren Point Road, from Holt Road in the north to Kumulla Street in the south. Specifically, the Planning Proposal seeks to change the existing zoning of the land from IN1 General Industrial to E3 Productivity Support. This change will support specialised retail premises and other emerging business models.

The Site

The site is located within the suburb of Taren Point in the Sutherland Shire local government area (LGA). Its primary frontage is the western side of Taren Point Road from Holt Road in the north, to Kumulla Street in the south. The specific properties that are the subject of the Planning Proposal are outlined in red on Figure 1. The relevant property descriptions are:

- Lots 1 and 2 DP 526394,
- Lot 6 DP 226993,
- Part Lot 10 DP 1203556,
- Strata Plan 32419,
- Lot 34 Sec C DP 8529,
- Lot 100 DP 597749,
- Strata Plan 54735,
- Lots 22, 23, 24, 25, 26, 27, 28 Sec C DP 8529,
- Lot 1 DP 1250752,
- Lots 3, 4, 9 and 10 DP 23960,
- Strata Plan 34083 and
- Lot 11 DP 376808)

The locality is approximately 25km south of the Sydney CBD. The site is located 2.6km south of Miranda centre which is designated as a Strategic Centre by the South District Plan. Miranda is primarily a retail centre focused on Westfield Miranda.



Figure 1: Aerial View

Source: Near Map

Current Planning Controls

The key development standards that currently apply to the site under Sutherland Shire Local Environmental Plan 2015 (SSLEP 2015) are presented below in Table 1. The Planning Proposal does not seek to change the development standards that apply to the land.

Table 1: Current controls and provisions applying to the site under the SSLEP 2015

| Provision | Existing Control |
|-------------------|--|
| Height | Development across the site is restricted by a maximum building height control of 16m. |
| Floor Space Ratio | A floor space ratio (FSR) control sets a maximum FSR of 1.5:1 across the precinct. |

Part 2 – Explanation of Provisions

This Planning Proposal seeks to amend *Sutherland Shire Local Environmental Plan 2015* (SSLEP 2015) as it relates to the western side of Taren Point Road between Kumulla Road and Holt Road by rezoning the land from IN1 General Industrial to E3 Productivity Support. This will expand permissibility for the land.

2.1 Explanation of Zoning Change

Below is an extract from the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) which highlights the existing zoning pattern in Taren Point Road. The western side of Taren Point Road is currently zoned IN1 General Industrial (coloured purple). This zone extends from Box Road in the north to Kumulla Street and Holt Road in the south. This contrasts with the eastern side of Taren Point Road which is zoned B5 Business Development (coloured grey) from Toorak Avenue in the north to Captain Cook Drive in the south.

The Department of Planning and Environment (DPE) is currently consolidating the industrial and business zones under the Standard Instrument Principal Local Environmental Plan. While the zones have been consolidated, the IN1 General Industrial zone has been renamed the E4 General Industrial zone and the B5 Business Development zone will become the E3 Productivity Support zone. The transition of zones to the new names is currently being exhibited by DPE with submissions closing July 11, 2022.

Given the imminent change of zone names, this Planning Proposal uses the current zone names to describe the existing zones and the proposed zones names for the intended amendment to SSLEP2015. This decision is based on the likelihood that the new zone names will be in effect before this Planning Proposal is finalised.

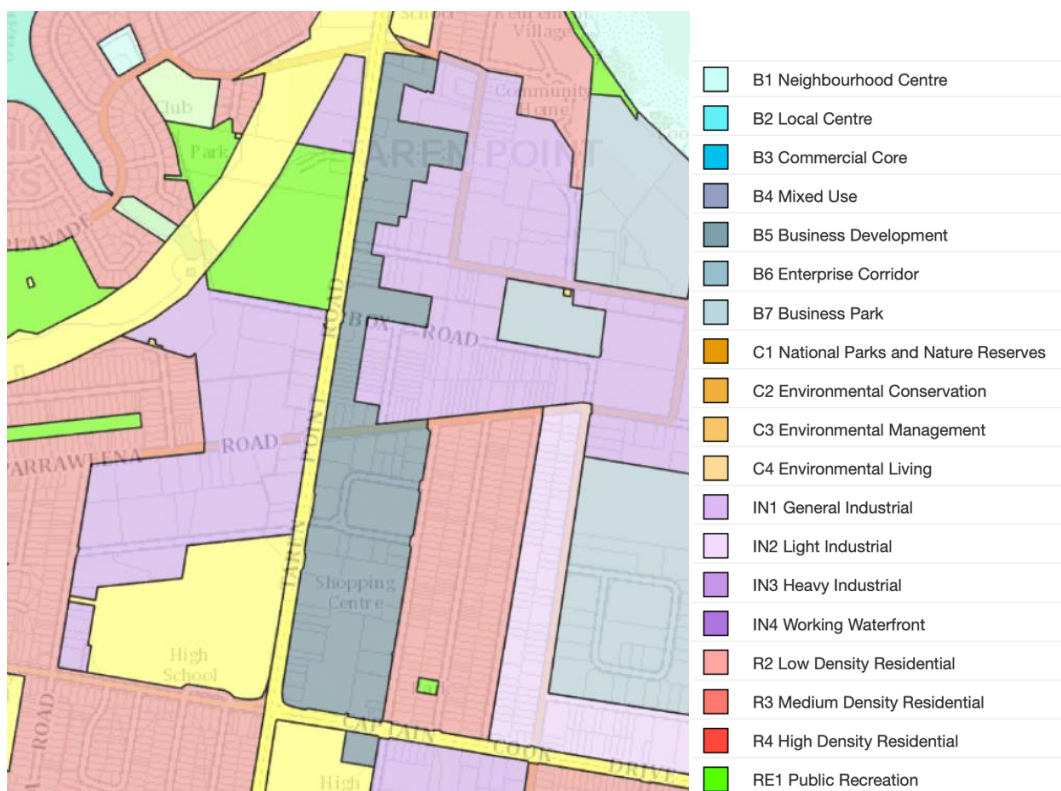


Figure 2: zoning map

Source: NSW Espatial Viewer

The two zones, B5 and IN1, seek to facilitate different land use outcomes which are reflected in the objectives of each zone. The objectives of the IN1 General Industrial zone are provided below and essentially focus on supporting the establishment of traditional industrial uses and the wide range of employment opportunities that they deliver. The objectives also seek to ensure that new development is compatible with surrounding uses in terms of potential environmental impacts. A higher standard of design is required as sites redevelop.

Zone IN1 General Industrial

Objectives of zone

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enhance the visual appearance of the employment area by ensuring new development achieves high architectural and landscape standards.*
- *To minimise the impact of development in the zone on areas of environmental significance.*

In comparison, the objectives of the B5 Business Development zone enable a mixed precinct where specialised retail premises can coexist with more traditional uses. The objectives take a cautious approach to specialised retail uses because it is important that retail trade does not undermine the economic role of the centres of Sutherland Shire. Retail uses result in more traffic generation than traditional industrial uses and the objectives recognise the need to maintain the effective operation and safety of Taren Point Road and Captain Cook Drive.

Zone B5 Business Development

Objectives of zone

- *To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- *To promote uses that do not detract from the role and function of existing centres in the retail hierarchy of Sutherland Shire.*
- *To enhance the visual appearance of the area by ensuring new development achieves high architectural and landscape standards.*
- *To ensure that development does not have an adverse impact on the effective operation and safety of main roads.*

The key difference between the IN1 zone and the B5 zone is that commercial premises are prohibited in the IN1 zone. The definition of commercial premises is copied below:

commercial premises means any of the following—

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

The definition of commercial premises is an umbrella term which means that it is a group term capturing the uses of business, office and commercial premises. Each of these are separately defined as follows:

business premises means a building or place at or on which—

(a) *an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or*
 (b) *a service is provided directly to members of the public on a regular basis, and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

- (a) (Repealed)
 - (b) cellar door premises,
 - (c) food and drink premises,
 - (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) shops,
 - (la) specialised retail premises,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include highway service centres, service stations, industrial retail outlets or restricted premises.*

The land use tables are drafted in a way that either permits or prohibits a group term but then may make a use within the group specifically permissible. In the IN1 zone retail premises are prohibited except for:

Garden centres; Hardware and building supplies; Kiosks; Landscaping material supplies; Neighbourhood shops; Plant nurseries; Take away food and drink premises; Timber yards; and Vehicle sales or hire premises.

This is a very narrow range of commercial premises and focuses the intent of the zone on those uses that support the construction industry or which support workers within the employment area. In comparison the B5 zone supports a broad range of commercial premises because it does not prohibit the group term *commercial premises*. Instead, it prohibits *business premises* and lists specific uses captured by the definitions of *commercial premises* and *retail premises* as also being prohibited. This means that all other uses captured by the group terms of *commercial premises* and *retail premises* are permissible, unless they are specifically prohibited. Most significantly the B5 zone makes *specialised retail premises* permissible, and *shops* prohibited. The definitions for these terms are provided below:

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop and neighbourhood supermarket, but does not include food and drink premises or restricted premises.

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires—

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note — Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

These two land use definitions are very similar. *Specialised retail premises* is a recent term that has replaced *bulky goods retail* and essentially means a retailer of items that require a large floor plate – sometimes referred to as “big box retail”. However, the definition is very broad and could apply to most retail categories except for food and clothing which are specifically excluded.

The Planning Proposal seeks to change the zoning of the land from IN1 to E3 Productivity Support (which is the equivalent to B5). The intent is simply to facilitate a wider range of permissible land uses, particularly specialised retail premises.

2.2 Instrument Amendments

None.

2.3 Map Amendments

| LEP Map & Map Sheet | Amendment | Relevant Objective |
|-----------------------|---|--------------------|
| LZN – Land Zoning Map | | |
| LZN_006A | Amend the zone of the precinct from IN1 General Industrial to E3 Productivity Support as below. | 1. |

Part 3 – Justification, Outcomes, and Process for Implementation

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal has been informed by a comprehensive land use study carried out in conjunction with NSW Department of Planning and Environment *Employment Zone Reforms*. The land uses on the western side of Taren Point Road have been in transition for many years and as part of the DPE’s consolidation of the industrial and business zones under the Standard Instrument Principal

Local Environmental Plan, Council resolved to carry out a land use survey of this precinct to understand which of the new employment zones should be applied.

A land use survey was conducted of all properties between Kumulla Road and Holt Road, Taren Point. The area studied is highlighted in the map below.



Figure 3: Aerial View

Source: Espatial Viewer

Each property was inspected, and the current use of the site recorded. The current use of each property was then categorised in terms of the land use definitions to determine whether the use would be considered permissible under the current IN1 zone. The individual approval history of each property was not investigated. Council officers have not attempted to determine whether existing uses are operating lawfully. There will be cases where the current use of a property may be prohibited but it operates lawfully because it has development consent issued before the land use was prohibited. The key issue for the purposes of this study was how the locality currently functions in terms of its land use. There are 36 businesses operating on the western side of Taren Point Road.

Table 1 below shows the results of this investigation. The business names and addresses have been removed from the table to protect business confidentiality. Column 2 classifies each of the businesses into a land use definition. Column 3 uses green to highlight where the land use is permissible in the current IN1 zone and red to highlight where a current activity would nominally be prohibited by the existing zone. The results are telling – 18 of the existing businesses are readily permissible while 18 appear to be prohibited.

Column 4 repeats this exercise for the proposed E4 General Industrial zone as recommended by DPE and as resolved by Council at its meeting of 21 February 2022. This is essentially the status quo transfer of the existing zone to the new zone name however, due to subtleties of permissibility, it results in one additional existing business being prohibited.

| Premises Reference | Land Use | Permissible IN1 General Industrial (yes/no) | Permissible E4 General Industrial (yes/no) |
|--------------------|----------------------------------|---|--|
| 1 | plant nurseries | Yes | Yes |
| 2 | specialised retail premises | No | No |
| 3 | landscaping material supplies | Yes | Yes |
| 4 | takeaway food and drink premises | Yes | Yes |
| 5 | specialised retail premises | No | No |
| 6 | specialised retail premises | No | No |
| 7 | specialised retail premises | No | No |
| 8 | recreation facility (indoor) | Yes | Yes |
| 9 | hardware and building supplies | Yes | Yes |
| 10 | specialised retail premises | No | No |
| 11 | specialised retail premises | No | No |
| 12 | specialised retail premises | No | No |
| 13 | vehicle sales or hire premises | Yes | Yes |
| 14 | light industry | Yes | Yes |
| 15 | vehicle body repair workshop | Yes | Yes |
| 16 | business premises | No | No |
| 17 | specialised retail premises | No | No |
| 18 | specialised retail premises | No | No |
| 19 | recreation facility (indoor) | Yes | Yes |
| 20 | business premises | No | No |
| 21 | business premises | No | No |
| 22 | vehicle repair station | Yes | Yes |
| 23 | garden centre | Yes | Yes |
| 24 | hardware and building supplies | Yes | Yes |
| 25 | service stations | Yes | No |
| 26 | specialised retail premises | No | No |
| 27 | warehouse or distribution centre | Yes | Yes |
| 28 | specialised retail premises | No | No |
| 29 | recreation facility (indoor) | Yes | Yes |
| 30 | specialised retail premises | No | No |
| 31 | business premises | No | No |

| Premises Reference | Land Use | Permissible IN1 General Industrial (yes/no) | Permissible E4 General Industrial (yes/no) |
|--------------------|--------------------------------|---|--|
| 32 | hardware and building supplies | Yes | Yes |
| 33 | specialised retail premises | No | No |
| 34 | light industry | Yes | Yes |
| 35 | plant nursery | Yes | Yes |
| 36 | specialised retail premises | No | No |

Table 1: Permissibility of existing uses under the IN1 General Industrial zone and the future E4 General Industrial zone.

Table 2 below repeats the exercise for the new E3 Productivity Support zone. Under this zone all the existing businesses operating on the western side of Taren Point Road would be permissible. This occurs because two key land uses become permissible in the E3 Productivity Support zone – *business premises* and *specialised retail premises*.

| Premises Reference | Land Use | Permissible IN1 General Industrial (yes/no) | Permissible E3 Productivity Support (yes/no) |
|--------------------|----------------------------------|---|--|
| 1 | plant nurseries | Yes | Yes |
| 2 | specialised retail premises | No | Yes |
| 3 | landscaping material supplies | Yes | Yes |
| 4 | takeaway food and drink premises | Yes | Yes |
| 5 | specialised retail premises | No | Yes |
| 6 | specialised retail premises | No | Yes |
| 7 | specialised retail premises | No | Yes |
| 8 | recreation facility (indoor) | Yes | Yes |
| 9 | hardware and building supplies | Yes | Yes |
| 10 | specialised retail premises | No | Yes |
| 11 | specialised retail premises | No | Yes |
| 12 | specialised retail premises | No | Yes |
| 13 | vehicle sales or hire premises | Yes | Yes |
| 14 | light industry | Yes | Yes |
| 15 | vehicle body repair workshop | Yes | Yes |
| 16 | business premises | No | Yes |
| 17 | specialised retail premises | No | Yes |
| 18 | specialised retail premises | No | Yes |

| Premises Reference | Land Use | Permissible IN1 General Industrial (yes/no) | Permissible E3 Productivity Support (yes/no) |
|--------------------|----------------------------------|---|--|
| 19 | recreation facility (indoor) | Yes | Yes |
| 20 | business premises | No | Yes |
| 21 | business premises | No | Yes |
| 22 | vehicle repair station | Yes | Yes |
| 23 | garden centre | Yes | Yes |
| 24 | hardware and building supplies | Yes | Yes |
| 25 | service stations | Yes | Yes |
| 26 | specialised retail premises | No | Yes |
| 27 | warehouse or distribution centre | Yes | Yes |
| 28 | specialised retail premises | No | Yes |
| 29 | recreation facility (indoor) | Yes | Yes |
| 30 | specialised retail premises | No | Yes |
| 31 | business premises | No | Yes |
| 32 | hardware and building supplies | Yes | Yes |
| 33 | specialised retail premises | No | Yes |
| 34 | light industry | Yes | Yes |
| 35 | plant nursery | Yes | Yes |
| 36 | specialised retail premises | No | Yes |

Table 2: Permissibility of existing uses under the IN1 General Industrial zone and future E3 Productivity Support zone.

The analysis suggests that the zoning of the western side of Taren Point Road should be reviewed because it does not reflect the reality of what is occurring. If the conclusion is reached that the existing permissibility should not change, the question remains as to what action Council would take to enforce SSLEP2015.

Taking compliance action to enforce SSLEP2015 would require Council to establish that the continued operation of the existing businesses is having a detrimental impact of the environment, the operation of surrounding businesses or the amenity of the locality. However, there is no evidence of complaint having been made to Council and no obvious environmental impacts taking place. Taking compliance action against successful businesses is contrary to the broader objective of cutting red tape and assisting businesses to grow so that there is more local employment and a thriving local economy.

Q2. Is the Planning Proposal the best means of achieving the intended outcome?

The Planning Proposal is the only means of achieving the objectives and intended outcomes for the precinct. The proposed rezoning is the only path to enable uses that are not permissible under the current IN1 zone of SSLEP2015.

Section B. Relationship to the Strategic Planning Framework

Strategic and Site-Specific Merit

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Assessment Criteria

a) Does the proposal have strategic merit? It is:

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

Yes. The planning proposal is consistent with the planning priorities of the Greater Sydney Region Plan, South District Plan and the Sutherland Shire Local Strategic Planning Statement as detailed under the relevant subheadings below.

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission finalised *the Greater Sydney Region Plan: A Metropolis of Three Cities*. The Plan presents a strategy for managing growth and change and intends to guide infrastructure delivery over the next 40 years. The Plan has been prepared in conjunction with the NSW Government's *Future Transport Strategy 2056*. The relevant objectives of the Region Plan are addressed in the table below:

| Objective | Comments |
|--|--|
| A city supported by infrastructure | |
| Objective 1: Infrastructure supports the three cities | <p>The application of the E3 zone to the western side of Taren Point Road will support the establishment of business premises and specialised retail premises that rely on high exposure. Taren Point has emerged as a “home makers” precinct and provides a highly accessible location for most residents of Sutherland Shire, Georges River and Bayside Local Government Areas. Its modest expansion supports the 30-minute city.</p> <p>While Taren Point Road is a heavily used State Road, the extent of change likely to result from the rezoning is very modest. The existing road infrastructure will support this transition in function.</p> |
| Objective 4: | The widening of permissible uses to include <i>business premises</i> and <i>specialised retail premises</i> may increase the number of people |

| Objective | Comments |
|--|---|
| Infrastructure use is optimised | employed in the precinct and the number of customers it receives. The concentration of services on Taren Point Road optimises the use of the State Road which also accommodates bus services. Allowing the modest growth of the home makers precinct means that more residents of Sutherland Shire, Bayside and Georges River local government areas will be in closer proximity to services. The employment generated will reduce the need for longer commutes, improving productivity, reducing cost, and lowering individual carbon emissions. |
| Productivity | |
| Objective 14: A Metropolis of Three Cities - integrate land use and transport creates walkable and 30-minute cities. | The rezoning of the western side of Taren Point Road to E3 Productivity Support supports a more diverse local economy. It takes advantage of an existing transport network to increase access to markets, facilitating growth. Making business premises permissible gives business access to a greater number of skilled workers while helping to improve employment self-containment. |

| Objective | Comments |
|--|--|
| Jobs and skills for the city | |
| Objective 23: Industrial and urban services land is planned, retained and managed | <p>The transition from IN1 General Industrial to E3 Productivity Support retains the economic value of the land for industrial uses and urban services. No existing uses would be prohibited by the E3 zone, yet it would recognise businesses that are currently operating. The transition to E3 manages this land in a manner that allows it to accommodate evolving businesses models.</p> <p>The rezoning does not introduce potential land uses that would unreasonably compete with industrial and urban services.</p> <p>The existing urban services along the eastern side of Taren Point Road are intermixed with specialist retail premises demonstrating that the land uses can coexist in the locality. The E3 zone will not introduce competing pressures that will jeopardise the economic potential of the land or alienate light industry and urban services from the locality.</p> |
| A resilient city | |
| Objective 37: Exposure to natural and urban hazards is reduced | <p>The transition from IN1 to E3 does not introduce any new uses which would increase the potential for low impact urban hazards (noise, odour, pollution, traffic, industrial waste, soil and water contamination). T</p> <p>The land is identified as Class 2 acid sulfate soils, but these risks can be mitigated through the development assessment and approval process.</p> <p>The Gwawley Bay catchment floodplain risk management study & plan 2015, identifies properties along western side of Taren Point Road as being under medium to low risk with maximum 1% AEP flow depth up to 85cm. The proposed zoning change largely formalises currently operating land uses however, intensification may increase exposure to flood risk to life and property. The hazard exposure to life and property has not been assessed and therefore it is unclear whether the risk can be adequately managed.</p> <p>The adoption of appropriate development controls assuming that all properties are high risk will facilitate the inclusion of appropriate design and risk mitigation strategies into new development.</p> |

South District Plan

In March 2018, the Greater Sydney Commission finalised the *South District Plan*. The Plan presents a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The relevant objectives of the Region Plan are addressed in the table below:

| Planning Priority | Comments |
|--|---|
| Productivity | |
| <p>Planning Priority S10: Retaining and managing industrial and urban services land</p> <p>Objective 23: Industrial and urban services land is planned, retained and managed</p> | <p>There are 10 industrial and urban service precincts in Sutherland Shire. Taren Point comprises 143 hectares of land with less than one hectare undeveloped, highlighting the local demand for industrial and urban services land.</p> <p>The transition of the western side of Taren Point Road to E3 does not erode the economic importance of the land. Instead, it facilitates a measured expansion of business premises and specialised retail uses which already characterise the locality. The increased flexibility provided by the zone supports evolving business practices. The introduction of business premises allows for growth in local employment in office jobs which may aid employment self-containment. The modest scale of the change in zone will not jeopardise the strategic importance of Miranda Centre and is consistent with Action 40: <i>Consider office development in industrial zones where it does not compromise industrial or urban services activities.</i></p> <p>The zoning amendment will continue to support businesses that meet the needs of the local community.</p> |
| <p>Planning Priority s12: Delivering integrated land use and transport planning and a 30-minute city</p> <p>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p> | <p>Zoning the western side of Taren Point Road E3 Productivity Support will support the concentration of specialised retail premises in a location that is readily accessible to most of Sutherland Shire, Georges River and Bayside Local Government Areas. This supports the notion of a 30-minute city.</p> |
| Sustainability | |
| <p>Planning Priority s18: Adapting to the impacts of urban and natural hazards and climate change</p> <p>Objective 37 Exposure to natural and urban hazards is reduced.</p> | <p>The transition from IN1 to E3 does not introduce any new uses which would increase the potential for low impact urban hazards (noise, odour, pollution, traffic, industrial waste, soil and water contamination).</p> <p>The land is identified as Class 2 acid sulfate soils, but these risks can be mitigated through the development assessment and approval process.</p> <p>The Gwawley Bay catchment floodplain risk management study & plan 2015, identifies properties along western side of Taren Point Road as being under medium to low risk with maximum 1% AEP flow</p> |

| Planning Priority | Comments |
|-------------------|--|
| | <p>depth up to 85cm. The proposed zoning change largely formalises currently operating land uses however, intensification may increase expose to flood risk to life and property. The hazard exposure to life and property has not been assessed and therefore it is unclear whether the risk can be adequately managed.</p> <p>The adoption of appropriate development controls assuming that all properties are high risk will facilitate the inclusion of appropriate design and risk mitigation strategies into new development.</p> |

b) Does the proposal have site specific merit, having regard to the following:

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

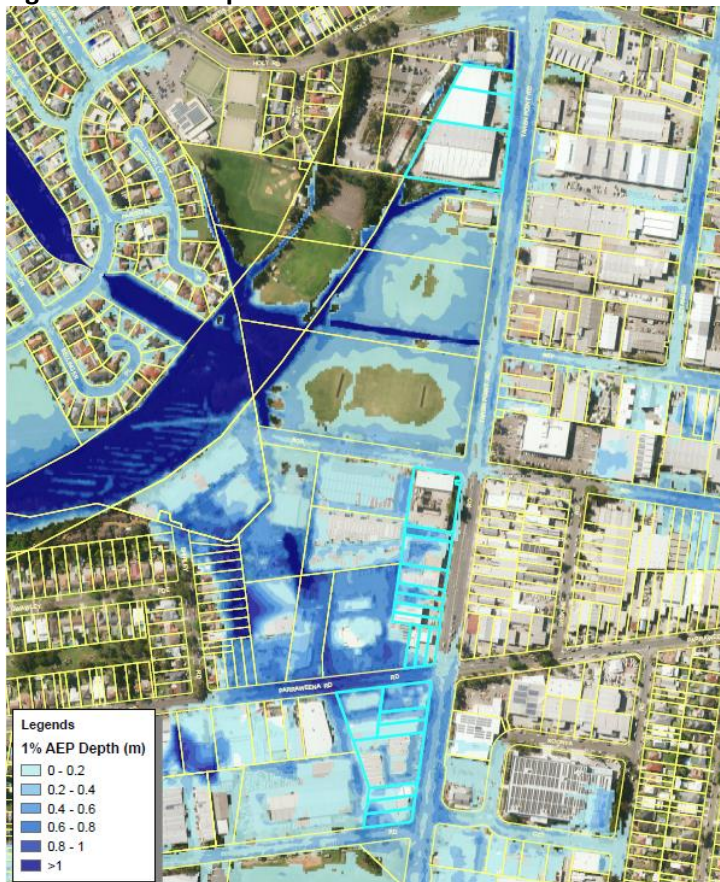
Yes. The precinct that is subject to planning proposal has site specific merit as detailed under the following headings.

Flood Affection

The Taren Point employment area is low lying and flood affected. Mapping prepared for the Gwawley Bay Floodplain Risk Management Study & Plan 2015 (FRMS&P) shows properties along western side of Taren Point Road are under medium to low risk with maximum 1% AEP flow depth up to 85cm. Figure 3 shown depicts the 1% AEP flow depth for lots identified for rezoning.

To adequately consider flood risk, it is a requirement that flood depth, flood duration and velocity of flood water be considered to determine the hazard exposure to life and property. Hazard mapping has not been undertaken in the adopted Gwawley Bay Flood Study or in the FRMS&P.

Figure 4: flood map



Review of zoning report indicates that by changing to proposed E3 zoning Council will be formalising the type developments which are currently prohibited in the area, which may expose occupants and customers to increased risk. However, the risk cannot be quantified and current flood related controls in the DCP 2015 cannot be applied to reduce the risk.

Redevelopment is expected to increase the intensification but should not increase flood risk to occupants and users. As per the Gwawley Bay FRMS&P, the existing building floor level of some of the properties along western side of Taren Point Road is below minor to major flood levels. Redevelopment with elevated floor level on piers complying with DCP controls will be supported to minimise flood risk. Where redevelopment retains an existing building, which is often preferred, the retained floor level is lower than acceptable levels and therefore the property operates with more occupants and limited controls to manage the risk.

The proposed rezoning from IN1 to E3 is expected to increase intensification such as increased number of car parking spaces. It is noted also that there are land uses within the Planning Proposal area that are already causing higher intensification than the IN1 zoning. This is not grounds to support and further intensify use. The current DCP control requires open car parking above 1% AEP flood level but considering flow depth and flood hazard along western side of Taren Point Road, increased number of car parking spaces at ground level cannot be supported and hence, any redevelopment should consider elevated car parking e.g. roof top car parking.

Considering this catchment subject to flash flooding, the flow depth & flood hazard in Parraweena Road and Taren Point Road at entry and exit from these properties is likely to increase. The community's exposure to flood risk and will be elevated. A Flood Emergency Response Management Plan (FERMP) at the time of redevelopment of individual lots.

It is likely that proposed rezoning will increase traffic in the area resulting in more number of vehicles exposed to flood risk, potential damages and may place additional burden on emergency services.

The preparation of hazard mapping is required to inform development controls to mitigate risk. Council has committed to initiate this work as a matter of priority. In the interim, Council will assume that all properties are exposed to high levels of hazard and draft appropriate standards for inclusion in Sutherland Shire Development Control Plan 2015. Once the hazard mapping is complete, the controls can be relaxed where warranted. Development controls can help mitigate the degree of risk to redeveloped properties.

Acid Sulfate Soils

Properties on the western side of Taren Point Road north of Kumulla Road are recognised as Class 2 acid sulfate soils. This same classification is also present for some of the properties on the eastern side of Taren Point Road and extends through much of the low-lying areas within the employment precinct.

The risk imposed by the presence of acid sulfate soils can be mitigated through the application of relevant controls in Sutherland Shire Local Environmental Plan 2015.

Land Use Compatibility

Land use compatibility is an important consideration when determining zoning. It is good planning practice to avoid conflict between uses as different activities have differing expectations of amenity which affect business operations.

Rezoning of the western side of Taren Point Road to E3 Productivity Support would not take away permissibility from existing uses but would make specialised retail premises and business premises permissible. While both these uses can expect to generate more customer visits than traditional light industries, both land uses can operate without compromising the operation of existing businesses. They are both compatible with land uses typically found in light industrial precincts. As such there are no apparent land use conflicts from changing the zoning of the western side of Taren Point Road.

Good planning practice seeks to reinforce the role and function of commercial centres because they are central, convenient places where investment has been made in public transport, schools, community services and public amenities. Out of centre retail activity must be carefully managed because the location of key retail attractors outside of centres can undermine the success and vitality of nearby centres.

SSLEP2015 grappled with this challenge and took a conservative approach to out of centre retail. SSLEP2015 sought to build on the emergence of home maker stores on the eastern side of Taren Point Road and extended the permissibility of bulky good retailing further along the eastern side of Taren Point Road to Toorak Avenue. This section has seen investment in large new buildings such as The Good Guys and the refurbishment of older buildings for specialised retail premises. However, specialised retail has not entirely displaced more traditional urban services and light industries. Auto repairs, hardware and trade services remain as significant uses demonstrating that the locality is particularly suited to uses that require customer visibility. It is apparent that there are few opportunities remaining for specialised retailers to establish in the precinct. Given the contained area under consideration, extending the permissibility of specialised retail premises and business premises to the western side of Taren Point Road will not jeopardise the established retail hierarchy in Sutherland Shire.

Captain Cook Bridge is a gateway to Sutherland Shire. Visitors travelling from the north enjoy scenic views of Botany Bay and Woolloomooloo Bay as they cross the bridge, then pass through the first section of Taren Point Road which now has mature trees and landscaping from a bicentennial initiative. However, from Holt Road south the streetscape of Taren Point Road mars the visitor experience. The streetscape of Taren Point Road is compromised because of the number of older buildings of poor quality, often with excessive signage and without meaningful landscaping or trees.

What is also apparent is that Council has been able to facilitate superior built form outcomes when redevelopment has occurred under SSLEP2015. When sites are redeveloped Council officers enforce DCP provisions to ensure the design quality of buildings is improved and that trees are an integral part of the development. Finding space for trees on development sites is critical in Taren Point Road because there is no room for large scale trees in the public domain due to the overhead powerlines, location of services and narrow footpath space.



Picture 1: Street view of The Good Guys

Source: Google Maps



Picture 2: Street view of Nick Scali

Source: Google Maps

The key to improving the presentation of Taren Point Road is to facilitate reinvestment and redevelopment of the existing building stock. Allowing specialised retail premises and business premises will help encourage reinvestment because they are higher value uses where trade benefits from market exposure. Quality premises attract quality businesses; however, when there is no clear path to permissibility, landowners cannot secure the commitment needed to make substantial investment. Transitioning to an E3 Productivity Support zone will align with Council's goal of improving this gateway to Sutherland Shire.

The objectives for the E3 Productivity Support zone take a measured approach to specialised retail premises. The objectives still give emphasis to light industries and support a range of service activities, including offices, while also seeking to maintain the economic viability of local and commercial centres. The objectives recognise that some uses that meet the needs of the community cannot locate in other employment zones. This is what is currently occurring on the western side of Taren Point Road – uses are establishing because there is a lack of other suitable land that meets their business needs. This indicates that the E3 zone is a good fit for the locality.

Services and Infrastructure

The locality is serviced by Taren Point Road which is an arterial State road. From a traffic perspective, it is unlikely that the proposed change in zoning will have any significant impact on the surrounding road network because the existing uses already result in traffic generation from each site and many lots already have specialised retail premises in operation. Over time, a variety of traffic generating scenarios for the precinct could evolve but this would only be fully known at development application (DA) stage as each site redevelops. However, based on the relatively small size of the subject area and the recent trends associated with land use on both sides of Taren Point Road, it is likely that there will be no perceivable change in traffic generation and that any impacts could be properly assessed and dealt with at DA stage.

From a traffic safety perspective, encouraging amalgamation of sites would help limit the number of vehicle ingress and egress points along Taren Point Road and provide improved urban design outcomes for the interface with Taren Point Road. A minimum allotment width for redevelopment will be explored in a future DCP amendment.

The locality is also adjacent to the M6 reservation and will benefit from improved access in the future.

Q4. Is the planning proposal give effect to a council's endorsed local strategic planning statement or another endorsed local strategy or strategic plan?

Local Strategic Planning Statement

Sutherland Shire Local Strategic Planning Statement was endorsed by the Greater Sydney Commission and came into effect on 15 September 2020. The relevant objectives of the Region Plan are addressed in the table below:

| Planning Priorities | Comment |
|--|--|
| Infrastructure and collaboration | |
| PP 1: Align planning to existing infrastructure | <p>The transition of the western side of Taren Point Road to E3 Productivity Support will build on the evolving character of the precinct. It will unlock key sites allowing a greater selection of specialised retail premises and businesses premises to establish.</p> <p>The locality is well served by existing infrastructure being located on a State road that is served by public transport. The locality is also adjacent to the M6 reservation and will benefit from improved access in the future.</p> |
| PP 2: Managing Traffic congestion and parking | <p>Taren Point Road is a State significant road that connects Sutherland Shire to Georges River and Bayside Local Government Areas. While Taren Point Road is heavily used and congested in peak periods, the application of the E3 Productivity Support zone is unlikely to exacerbate the existing situation. In this regard it should be noted that there are 18 existing premises on the western side of Taren Point Road which would become permissible under the E3 zone. As such the change in zone regularises existing uses which will have no impact in terms of traffic or parking.</p> |
| Liveability | |
| PP 11: Attractive and Distinctive Centres and Places | <p>The Taren Point employment precinct currently sets a poor visitor experience at a gateway to Sutherland Shire. The western side of Taren Point Road has experienced little reinvestment or redevelopment. Supporting its transition to E3 Productivity Support will encourage investment and allow improved built form outcomes to be realised. This will help provide Taren Point with a landscaped context that will integrate it with the wider landscape character of the locality.</p> |
| Productivity | |
| PP 15: Grow industrial and urban services jobs | <p>The transition to E3 Productivity Support maintains the supply of industrial and urban services land in Taren Point. The Taren Point cluster is the most significant location for jobs and gross value added in Sutherland Shire. Finding the right balance between industrial and other uses in this zone is crucial to its long-term viability. The broadened permissibility of the E3 zone will support the growth of specialised retail premises and business premises while also allowing new and evolving businesses such as high -tech research and creative industries to take</p> |

| Planning Priorities | Comment |
|----------------------------------|--|
| | <p>advantage of the locality's accessibility to the airport, port and consumer markets. Allowing increased specialisation will help grow jobs in the precinct and support existing businesses.</p> |
| Sustainability | |
| PP 23: Manage Risks from Hazards | <p>The transition from IN1 to E3 does not introduce any new uses which would increase the potential for low impact urban hazards (noise, odour, pollution, traffic, industrial waste, soil and water contamination).</p> <p>The land is identified as Class 2 acid sulfate soils, but these risks can be mitigated through the development assessment and approval process.</p> <p>The Gwawley Bay catchment floodplain risk management study & plan 2015, identifies properties along western side of Taren Point Road as being under medium to low risk with maximum 1% AEP flow depth up to 85cm. The proposed zoning change largely formalises currently operating land uses however, intensification may increase exposure to flood risk to life and property. The hazard exposure to life and property has not been assessed and therefore it is unclear whether the risk can be adequately managed.</p> <p>The adoption of appropriate development controls assuming that all properties are high risk will facilitate the inclusion of appropriate design and risk mitigation strategies into new development.</p> |

Sutherland Shire Economic Informing Strategy

Sutherland Shire Council adopted an Economic Informing Strategy in December 2018. The Strategy outlines key outcomes centred on building a prosperous community with a fulfilling life work balance. The relevant outcomes and strategic approaches are addressed in the table below:

| Strategic Approach | Comment |
|--|---|
| Outcome 2: A diverse and self-sustaining business community providing a prosperous and fulfilling lifestyle | |
| 2.4: Protect industrial and urban services land through strategic land use planning and regulation | <p>The transition of the western side of Taren Point Road will facilitate a measured expansion of business premises and specialised retail uses which aligns with the existing character of the precinct. The increased flexibility supports the evolution of business practices and job growth.</p> <p>The introduction of business premises allows for growth in local employment in office jobs which may aid employment self-containment.</p> |

| Strategic Approach | Comment |
|---|--|
| 2.5: Assist local businesses to establish and operate by improving processing times and reducing Local Government red tape. | The transition of IN1 General Industrial to E3 Productivity Support will increase flexibility of permissible use to enable business to evolve with changes in technology and business models. Given that many uses in the precinct appear to be operating without consent, the change in zone will remove barriers to business and cut red tape. |
| 2.8: Undertake research on opportunities for increased business accommodation in Sutherland Shire. | The rezoning to E3 Productivity Support for the western side of Taren Point Road will support increased business accommodation. |

Employment Study SGC

Sutherland Shire Council commissioned SGS Economics and Planning (2020) to evaluate industrial and urban service lands and the transition of future land use. The report identified the following trends and drivers that could influence the industrial precinct function:

- Freight and logistics
- Co-location of knowledge and production
- Business Park Offices
- Community related synergies

The rezoning from IN1 General Industrial to E3 Productivity Support will increase flexibility of permissible use enabling office development, where it does not compromise industrial or urban services. The wider permissibility will also permit existing businesses that have commenced operations.

Q5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

Yes.

Council has undertaken a review of the relevant State and Regional studies and identified the consistency with the proposal and the applicable studies and strategies.

The proposal has been assessed against the relevant Future Transport 2056 strategy. Future Transport places an emphasis on strengthening the economy, via both the investment infrastructure and the efficient movement of goods. Taren Point Road is a Classified and Arterial Road and is a key link in the movement of goods to the Sutherland Shire and through the Sutherland Shire. The rezoning of the subject portion of Taren Point Road is to allow for specialised retail and to better reflect what is currently occurring in the area. Rezoning the precinct is to formalise existing uses and is foreseen to have minimal additional traffic impacts. The proposed rezoning is considered to be consistent with the provisions of the Future Transport 2056 strategy.

Q6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the Planning Proposal against all current State Environmental Planning Policies (SEPPs) is set out below. No State Policy applies to the proposed zoning amendment.

| SEPP | Relevance to Planning Proposal | Planning Proposal Consistency with SEPP? |
|--|---|--|
| State Environmental Planning Policy (Biodiversity and Conservation) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | No | Not applicable. |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | No | Not applicable. |
| State Environmental Planning Policy (Housing) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Industry and Employment) 2021 | No. It only applies to the Broader Western Sydney Employment Area. | Not applicable. |
| State Environmental Planning Policy No 65 – Design Quality Residential Apartment Development | No | Not applicable. |
| State Environmental Planning Policy (Planning Systems) 2021 | No. Only applicable to State, critical or regionally significant development. | Not applicable. |
| State Environmental Planning Policy (Precincts – Central River City) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Precincts – Regional) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Precincts – Western Parklands City) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Primary Production) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Resilience and Hazards) 2021 | No. Only applies to the coastal zone. | Not applicable. |

| SEPP | Relevance to Planning Proposal | Planning Proposal Consistency with SEPP? |
|---|--|--|
| State Environmental Planning Policy (Resources and Energy) 2021 | No | Not applicable. |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | No. Sets criteria for development carried out by public authorities. | Not applicable. |

Q7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. An assessment of the Planning Proposal against applicable section 9.1 (2) Directions is set out below.

| Direction | Comment |
|---|--|
| Focus Area 1: Planning System | |
| 1.1 Implementation of Regional Plans 1.2 Development of Aboriginal Land Council land 1.3 Approval and Referral Requirements 1.4 Specific Provisions 1.5 - 1.17 Placed Based | Direction 1.1 Regional Plans The analysis provided in Part 3 demonstrates that the Planning Proposal has strategic alignment with the Greater Sydney Region Plan: A Metropolis of Three Cities and the South District Plan. Other Directions are not applicable to the Planning Proposal. |
| Focus Area 2: Design and Place | |
| Not Implemented | |
| Focus Area 3: Biodiversity and Conservation | |
| 3.1 Conservation zones 3.2 Heritage Conservation 3.3 Sydney Drinking Water Catchment 3.4 Application of C2 and C3 Zones in Far North Coast LEPs 3.5 Recreational Vehicles | The Planning Proposal does not relate to any of these directions. |
| Focus Area 4: Resilience and Hazards | |

| Direction | Comment |
|--|---|
| <p>4.1 Flooding</p> <p>4.2 Coastal Management</p> <p>4.3 Planning for Bushfire Protection</p> <p>4.4 Remediation of Contaminated Land</p> <p>4.5 Acid Sulfate Soils</p> <p>4.5 Mine Subsidence and Unstable Land</p> | <p>Direction 4.1 (1) Flooding</p> <p>A planning proposal must include provisions that give effect to and are consistent with:</p> <p>a) the NSW Flood Prone Land Policy,</p> <p>No. The primary objective of the policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property and reduce property damages. The impact of flooding as a result of proposed rezoning cannot be easily mitigated through redevelopment and applying site specific controls to reduce the risk. Therefore, owners and occupants will be at elevated risk.</p> <p>b) the principles of the Floodplain Development Manual 2005,</p> <p>There are no “principles” stated in the FDM 2005. The proposal is in line with policy provisions of the Floodplain Development Manual 2005 such as merit-based approach to be followed when dealing with development or redevelopment of flood prone land.</p> <p>c) the Considering flooding in land use planning guideline 2021, and</p> <p>Yes, as per DPE guidelines, full range of flooding up to and including PMF has been considered.</p> <p>d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.</p> <p>Yes, the flood mapping takes into consideration flood behaviour in the area as per the adopted Gwawley Bay Catchment Flood Study 2012, which is prepared in accordance with NSW Flood Prone Land Policy and FDM 2005. The Gwawley Bay Catchment Flood Risk Management Study and Plan 2015 has not been adopted by Council. Flood hazard mapping has not been undertaken for this catchment. This proposal has not considered hazard mapping. Given the scale of the proposal, and risk to life and property, this is important to complete before providing further advice.</p> <p>Direction 4.5 Acid Sulfate Soils</p> |

| Direction | Comment |
|--|---|
| | <p>The proposed change of zone does not result in an intensification of land use and is consistent with the intent of the Direction.</p> <p>The remaining Directions within Focus Area 4 are not applicable to this Planning Proposal.</p> |
| Focus Area 5: Transport and Infrastructure | |
| 5.1 Integrating Land Use and Transport 5.2 Reserving Land for Public Purposes 5.3 Development Near Regulated Airports and Defence Airfields 5.4 Shooting Ranges | <p>Direction 5.1: Transport and Infrastructure</p> <p>The proposed change of zone is consistent with the Direction that seeks to improve the efficiency of the available transport and the movement of freight.</p> <p>The remaining Directions within Focus Area 5 are not applicable to this Planning Proposal.</p> |
| Focus Area 6: Housing | |
| 6.1 Residential Zones 6.2 Caravan Parks and Manufactured Home Estates | <p>This Direction is not applicable to the Planning Proposal.</p> |
| Focus Area 7: Industry and Employment | |
| 7.1 Business and Industrial Zones 7.2 Reduction in non-hosted short term rental accommodation period 7.3 Commercial and Retail Development along the Pacific Highway North Coast | <p>Direction 7.1 Business and Industrial Zones</p> <p>The Planning Proposal is consistent with this Direction which seeks to retain the areas and location of existing business zones and not reduce the potential floor space for industrial and employment uses.</p> <p>The remaining Directions within Focus Area 7 are not applicable to this Planning Proposal.</p> |

| Direction | Comment |
|--|--|
| | |
| Focus Area 8: Resources and Energy | |
| 8.1 Mining, Petroleum and Extractive Industries | This Direction is not applicable to the Planning Proposal. |
| Focus Area 9: Primary Production | |
| 9.1 Rural Zones 9.2 Rural Lands 9.3 Oyster Aquaculture 9.4 Farmland of State or Regional Significance | This Direction is not applicable to the Planning Proposal. |

Section C – Environmental, social and economic impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There is no remnant bushland or significant vegetation within the precinct that is the subject of this Planning Proposal.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no expected adverse environmental effects from the Planning Proposal.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal involves a minor amendment to permissible development that largely reflects the businesses in existence. There are no anticipated social or economic impacts from the Planning Proposal.

Section D – State and Commonwealth interests

Q11. Is there adequate public infrastructure for the planning proposal?

The proposed change in zoning will not have any significant effect on public infrastructure, including road, power, telecommunications, water and sewerage. This planning proposal is a response to Taren Point Road's evolving character and simply seeks to permit a broader range of uses in the zone.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation will take place post Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The proposed amendments to the SSLEP 2015 maps only involve the zoning map.

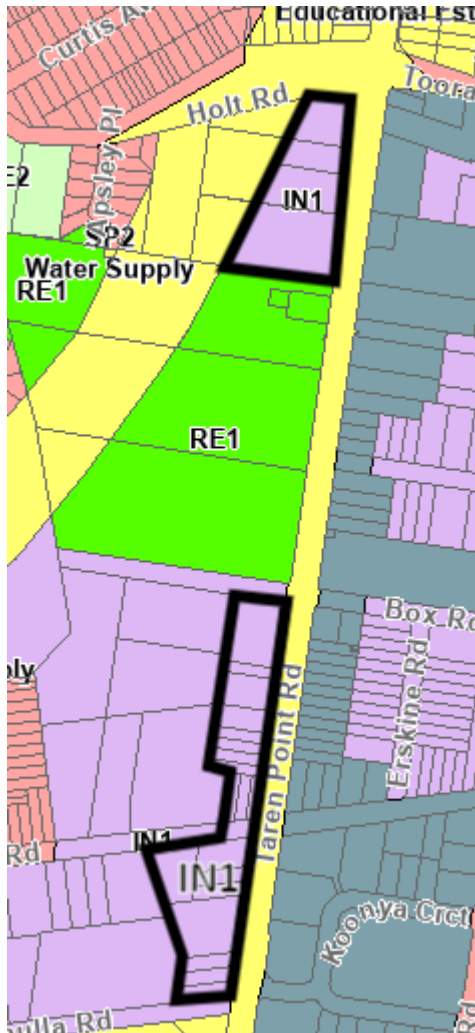


Figure 5: current zoning map

Source: SSC Maps

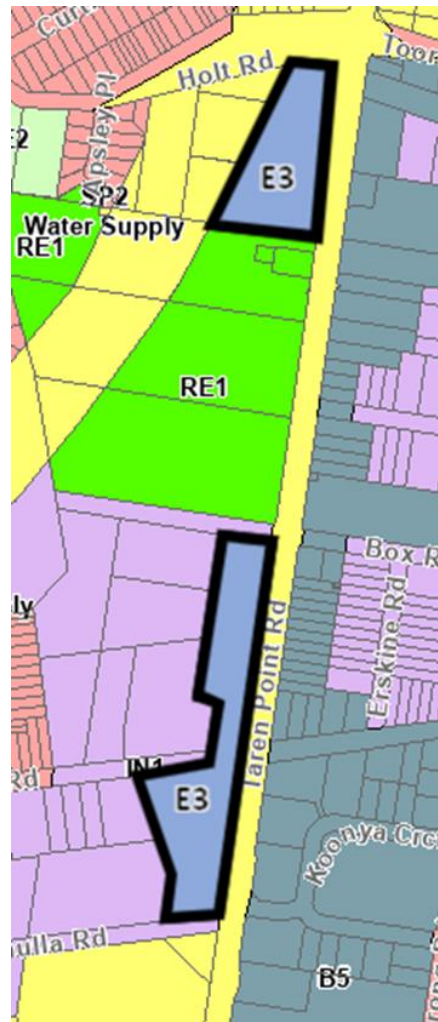


Figure 6: proposed zoning map

Source: SSC Maps

Part 5 – Community Consultation

Council Engagement following Gateway Determination

In accordance with “A Guide to Preparing Local Environmental Plans”, the Planning Proposal will be exhibited for a period of 28 days.

In accordance with Council’s adopted Community Engagement Strategy, it is proposed that the exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader identifying the purpose of the Planning Proposal and where the planning proposal can be viewed.

Advertisement on the Council website

The Planning Proposal will be exhibited on the Council consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from Council's the home page.

Direct contact

Interested parties will be able to contact the Strategic Planning Unit of Council directly through a telephone hotline and through a dedicated email address.

Part 6 – Indicative Project Timeline

| Milestones | Timing |
|--|------------------------------|
| Gateway determination | September 2022 |
| Exhibition start | October 2022 |
| Exhibition end | December 2022 |
| Review and consideration of submissions | December 2022 – January 2023 |
| Report to Committee on submissions | March 2023 |
| Council meeting | March 2023 |
| Request for LEP amendment to be prepared | April 2023 |