



IRF25/1822

## Gateway determination report – PP 2025-261

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Additional Permitted Use for Specialised Retail  
Premises at 117-131 Taren Point Road

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                                           |
|----------------------------------------------------------------------|
| Planning proposal – 117-131 Taren Point Road, Taren Point, BMA Urban |
| Meeting minutes - Sutherland Shire Local Planning Panel, July 2025   |
| Survey Plan, GeoSur, June 2022                                       |
| Survey Plan, Dunlope Thorpe & Co, November 2013                      |
| Economic Assessment, HillPDA, July 2024                              |
| Flood Assessment Report, FloodMit, July 2023                         |
| Preliminary Site Investigation, eiaustralia, July 2024               |
| Traffic Assessment, Genesis Traffic, January 2025                    |
| Acid Sulfate Soil Assessment, eiaustralia, September 2025            |
| Taren Point Road PP – NSW Coastal Design Guideline Checklist         |

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |                                                                                                       |
|---------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>LGA</b>                      | <b>Sutherland Shire</b>                                                                               |
| <b>PPA</b>                      | Sutherland Shire Council                                                                              |
| <b>NAME</b>                     | Additional permitted use for specialised retail premises at 117-131 Taren Point Road, Taren Point     |
| <b>NUMBER</b>                   | PP-2025-261                                                                                           |
| <b>LEP TO BE AMENDED</b>        | Sutherland Shire Local Environmental Plan (LEP) 2015                                                  |
| <b>ADDRESS</b>                  | 117-131 Taren Point Road, Taren Point (subject sites)                                                 |
| <b>DESCRIPTION</b>              | Lot 1 and 2 in DP 526394<br>Lot 6 in DP 226993                                                        |
| <b>RECEIVED</b>                 | 28/07/2025                                                                                            |
| <b>FILE NO.</b>                 | IRF25/1822                                                                                            |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal |

## 1.2 Objectives of planning proposal

The intended outcomes of the planning proposal are to:

- Seek amendment to the LEP to allow the continued operation of existing businesses by permitting specialised retail premises
- Prevent residential or mixed-use development
- Ensure there is no loss of the E4 General Industrial zone
- Support the established specialised retail premises on the subject sites and accommodate the growing demand for this use in the LGA.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Sutherland Shire Council LEP 2015 per Table 3 below:

**Table 3 Current and proposed controls**

| Control                  | Current               | Proposed                                                         |
|--------------------------|-----------------------|------------------------------------------------------------------|
| Zone                     | E4 General Industrial | E4 General Industrial (no change)                                |
| Additional permitted use | N/A                   | Permit specialised retail premises for land at the subject sites |

The subject site contains operational specialised retail premises on the E4 General Industrial zone. This use is prohibited under the zone. The clause in Schedule 1 will permit specialised retail premises on the subject sites.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

### 1.4.1 Sites

The subject sites are located on the western side of Taren Point Road, approximately 50 meters south of the intersection with Holt Road. Several bus stops are located along this part of Taren Point Road, including routes to Rockdale Station. The sites are approximately 2.6km north of the strategic centre of Miranda and 25km south of the Sydney CBD. The sites are 2.5km to Miranda and 2km Caringbah train stations.

A public oval, Council's Taren Point Youth and Badminton Centre is situated to the south of the site, whilst Flower Power plant nursery is at its north, and M6 freeway reserve is at its west and to the east are Officeworks, services stations and other specialised retail premises such as Baby Bunting, Weber, Drummond Gold, Repco and Winning Applications (**Figure 1**).



**Figure 1: Subject site (source: Sutherland Shire council's meeting minutes, 2025 )**

The site comprises of warehouses with premises occupied by Harvey Norman and Domayne, Sydney Tools and Kennards Hire, one of the premises is vacant. The site is surrounded by the following land uses: specialised retail premises, building and hardware supplies, light industry and warehouse and distribution centres (**Figure 2** and **Figure 3**).



Figure 2: Land uses in northern area (source: Google Streetview, 2025)



Figure 3: Land uses in southern area (source: Google Streetview, 2025)

## 1.5 Mapping

The planning proposal states the proposed new clause to schedule 1, additional permitted uses does not require any new mapping. However, under the additional permitted use digital map, a new notation is required. A gateway condition is recommended to require Council to provide mapping for this planning proposal prior to community consultation.

## 1.6 Background

Sutherland Shire Council previously lodged a planning proposal PP-2022-3076, seeking to rezone land from IN1 General Industrial (equivalent to E4 General Industrial) to B5 Business development (equivalent to E3 Productivity Support). This was the result of the Department's Employment Zone Reforms, where Council undertook a land use survey and found that 18 of the 26 sites had uses that were prohibited under IN1 General Industrial, this included specialised retail premises.

In November 2022, the Department of Planning, Housing and Infrastructure (the Department) issued a Gateway determination. One of the requirements was to provide further justification for flooding.

Council undertook further flooding analysis of the area and concluded that the Gateway Determination could not be satisfied. The planning proposal did not proceed.

The current planning proposal has been amended to address the flooding issue by:

- only seeking an additional permitted use for specialised retail premises on the subject sites. The previous planning proposal was seeking to rezone the land to allow sensitive uses such as centre-based childcare, hotel or motel accommodation, and respite day care centre
- narrowing the subject sites to 117-131 Taren Point Road instead of the western side of Taren Point Road
- providing justification for Ministerial Direction 4.1 Flooding which is discussed in section 3.5 of this report.

## 2 Need for the planning proposal

This planning proposal is a result of Council's previously lodged planning proposal for the western side of Taren Point Road as mentioned above to legitimise uses that currently exist. Council lodged this planning proposal at 117-131 Taren Point Road to introduce additional permitted uses under Schedule 1 for specialised retail premises. There is currently specialised retail premises operating on the site.

The planning proposal states: “expanding the additional permitted use within SSLEP 2015 is the most efficient and time effective approach to realising the objectives of the Planning Proposal”.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years. The proposal is generally consistent with the Region Plan. A detailed assessment of consistency is discussed in the assessment of the South District Plan below, which is strategically aligned with the Region Plan, giving it effect.

### 3.2 District Plan

The site is within the South District and the Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

Table 4 includes an assessment of the planning proposal against relevant directions and actions.

**Table 4 District Plan assessment**

| District Plan Priorities                                                                       | Justification                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Priority S9: Growing investment, business opportunities and jobs in strategic centres | The sites are not within an identified strategic centre, however, they do service the surrounding Miranda and Sutherland strategic centres by providing supportive key uses that are not permissible within the centres. The proposal is generally consistent with the Planning Priority. |
| Planning Priority S10: Retaining and managing                                                  | This planning priority seeks to safeguard all existing industrial and urban services land from competing pressures, in particular residential and mixed-use zones. Industrial activity and urban services are important to Greater                                                        |

| District Plan Priorities                                                                          | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| industrial and urban services land                                                                | <p>Sydney's economy. The Plan provides that job numbers are not a primary objective in retaining and managing industrial and urban services land, rather a mix of economic outcomes that also support the city and population is key.</p> <p>In January 2025, the Department released the Industrial Lands Action Plan which stated it is going to deliver a statewide policy for industrial lands. However, as it will take time to deliver the policy, the current Greater Sydney Region Plan Retain and Manage plans continue to apply to industrial lands. Below is the consideration of the planning proposal against this retain and manage planning priority.</p> <p>The planning proposal is considered inconsistent with this planning priority because it permits specialised retail premises, which diminishes industrial land.</p> <p>The Economic Report by HillPDA (<b>Attachment E</b>) considers the loss of industrial land within the Sutherland Shire local government area. The Report demonstrates minimal impact on Sutherland Shire's industrial capacity. With the site representing 0.7% of totally industrial floorspace in the LGA, and a surplus industrial capacity to 2036. The loss of exclusive industrial on this small site does not compromise the Shire's ability to meet future industrial demand.</p> <p>The report also finds that there will be demand for 28, 000 additional square metre of bulky good retail space. This planning proposal will meet the growing demand for bulky goods retailing in the Shire and allow the continued operation of existing specialised retail premises.</p> <p>The planning proposal states that the amendment would not threaten the viability of the Miranda and Sutherland strategic centres as the uses existing on site are more likely to provide support to the uses occurring within the commercial zonings than to compete with them. The Department agrees that the uses proposed to be permitted on this land are unlikely to threaten the viability of the Sutherland or Miranda strategic centres, in particular as this use is already operating on the sites.</p> <p>Currently specialised retail premises are operating on the sites and the proposal does not allow residential accommodation. It will also continue to generate employment uses through both the existing industrial use and the proposed specialised retail premises.</p> <p>The Department notes that the uses to be permitted are likely to operate without adversely impacting on industrial uses and vice versa. Specialised retail premises operate in a similar manner to many of the light industrial uses occurring on site.</p> <p>This planning priority is inconsistent but justified.</p> <p>The planning proposal states that the additional permitted use is generally consistent with the planning priority. A condition of any subsequent Gateway determination is recommended to update the planning proposal to provide clarification that the priority is inconsistent but justified.</p> |
| Planning Priority S12: Delivering integrated land use and transport planning and a 30-minute city | <p>The redevelopment of this site will provide residents within the locality increased local employment opportunities and reduce the need to travel for work. This will help to improve resident worker containment and contribute to the aim of the 30-minute city.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| District Plan Priorities                                                                       | Justification                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                | The proposal is generally consistent with the Planning Priority.                                                                                                                                                                                                                                                                                                                           |
| Planning Priority S18: Adapting to the impacts of urban and natural hazards and climate change | <p>This planning priority seeks to reduce exposure to natural and urban hazards, and to minimise damage to life and property through considered strategic planning.</p> <p>The land contains the following issues: acid sulfate soil, flooding, coastal management and remediation of contamination land. Assessment of the proposal against this priority is detailed in section 3.5.</p> |

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local Strategies**

| Local Strategies                              | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sutherland Local Strategic Planning Statement | <p>The planning proposal gives effect to the planning priorities as below-</p> <ul style="list-style-type: none"> <li> <u>Planning Priority 1: Align Planning to Existing Infrastructure</u><br/> The site is already serviced by established infrastructure on a State road with public transport access. </li> <li> <u>Planning Priority 2: Managing Traffic Congestion and Parking</u><br/> The proposed use is low traffic generating. The proposal states “as the site is already developed, it is considered any potential traffic impacts arising are minimal and can be dealt with at the DA stage”.<br/> The Traffic Impact Assessment does conclude the signalised intersection of Taren Point Road, Holt Road and Toorak Avenue is at near capacity during the PM and weekend peaks, and there are delays for the right-hand turn from Bay Road onto Taren Point across all assessed periods. There is capacity to accommodate specialised retail premises on the site and further detailed assessment is required at the DA stage. </li> <li> There are some specialised retail premise already operational on the subject sites and any projected development will not have a significant impact on the level of service . The impact from the proposed use is considered consistent with this planning priority. </li> <li> <u>Planning Priority 15: Grow Industrial and Urban Services Jobs</u><br/> This priority seeks to maintain industrial land investigate opportunities to grow local employment in industrial and urban services. See assessment against this planning priority in section 3.2. </li> <li> <u>Planning Priority 23: Manage Risks from Hazards</u><br/> This priority seeks to understand, manage and mitigate risks and vulnerabilities when planning and building infrastructure and assets to reduce risks to life and property. See assessment against this planning priority in section 3.5. </li> </ul> |
| Community Strategic Plan -                    | Objective 5 of the Sutherland Shire Community Strategic Plan seeks to create a <i>prosperous community for all</i> , a strategy outlined by the plan to reach this objective                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

| Local Strategies                                                       | Justification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Objective 5 (Prosperous Community)                                     | being <i>enhance and promote opportunities to work locally</i> . This proposal is consistent with this objective as it will ensure the continued operation of industrial use and specialised retail premises within this area which will provide employment opportunities and services to the local community.                                                                                                                                                                                                                                                                                      |
| Economic Informing Strategy 2018 – Objective 1 (Local Jobs)            | <p>The Sutherland Economic Informing Strategy is a supporting document that helped inform some of the objectives and actions outlined in the LSPS. Objective 1 of the Informing Strategy is to <i>increase the number of local jobs by 10,000 FTE (total 87,937 jobs) by 2030</i>. This proposal is consistent with this objective as it allows the continued operation of existing specialised retail premises, which is employment based.</p> <p>The proposed amendment is also not likely to have adverse impacts on the supply of industrial land required in the Sutherland Shire by 2036.</p> |
| Policy: Planning Principles for Proponent Initiated Planning Proposals | This Policy establishes various principles for Proponent Initiated Planning Proposal within Section 3 of the Policy. The policy is consistent with the principles of this policy.                                                                                                                                                                                                                                                                                                                                                                                                                   |

### 3.4 Local planning panel (LPP) recommendation

On 15 April 2025, the planning proposal was considered by the Sutherland Shire Local Planning Panel (LPP). The Sutherland Shire LPP determined that sufficient merit and supported forwarding the proposal to the Department for Gateway Determination (**Attachment D**).

The Panel did recommended Council consider if the planning proposal is consistent with Ministerial Direction 7.1(1)(d) and whether the inconsistency is appropriately justified.

### 3.5 Section 9.1 Ministerial Directions

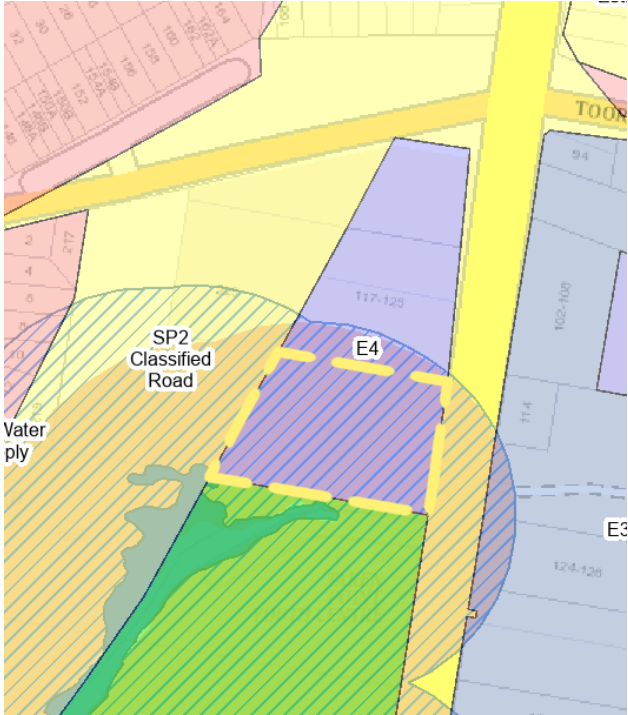
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 - 9.1 Ministerial Direction assessment**

| Directions                           | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1 Implementation of Regional Plans | Justified                  | <p>The objective of this direction is to give legal effect to the directions and actions in the Regional Plans.</p> <p>Section 3.1 and 3.2 discuss the alignment of the planning proposal with this Direction.</p> <p>A condition of any subsequent Gateway determination is recommended to update the planning proposal to address this Ministerial Direction.</p> |
| 1.4 Site Specific Provisions         | Justified                  | <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p>                                                                                                                                                                                                                                                  |

| Directions             | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        |                            | <p>The planning proposal is inconsistent with this Direction as it introduces a site-specific control.</p> <p>The planning proposal is considered necessary because it would legitimise the existing businesses operating on the site. Council has previously proposed to rezone the western part of Taren Point Road, but this proposal did not proceed due to flooding issues.</p> <p>The inconsistency with the direction is justified as it is considered to be of minor significance.</p> <p>A condition of any subsequent Gateway determination is recommended to update the planning proposal to address this Ministerial Direction.</p>                                                                                                                                                                                                                                                                                                                                  |
| 3.1 Conservation Zones | Consistent                 | <p>Direction 3.1 seeks to protect and conserve environmentally sensitive areas. Parts of the planning proposal site is identified as environmentally sensitive land under SSLEP 2015. The planning proposal does not seek to reduce the applicable conservation standards. Additionally, clause 6.5 of the SSLEP 2015 has adequate provisions to consider any impact from future proposed development on the planning proposal sites. As such the planning proposal is considered consistent with this direction. A condition is imposed for the planning proposal to be updated to include discussions for this direction.</p>                                                                                                                                                                                                                                                                                                                                                  |
| 4.1 Flooding           | Justified                  | <p>Direction 4.1 seeks to ensure that flood-prone land is developed as per the NSW Government's Flood Prone Land policy and ensure that the applicable LEP provisions consider flood impacts appropriately.</p> <p>The planning proposal site is located within a flood-prone area subject to inundation from both Gwawley Bay and stormwater drainage capacity limitations. The Direction applies as the proposal seeks to add "specialised retail premises" as an additional permitted use, which permits intensification of development on land in an area containing flood risk.</p> <p>The planning proposal states the proposal is consistent with this Direction as it:</p> <ul style="list-style-type: none"> <li>○ Does not permit development in floodway as the sites are already developed</li> <li>○ Will not result in significant flood impacts to other properties</li> <li>○ Maintains prohibition of residential accommodation in high hazard areas</li> </ul> |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                            | <ul style="list-style-type: none"> <li>○ Although containing an increase of development by permitting specialised retail premises, this use is already operating on the subject site and the planning proposal seeks to legitimise the existing operations</li> <li>○ Does not permit sensitive land uses</li> <li>○ Does not permit development without development consent as redevelopment would require development consent</li> <li>○ Does not permit hazardous industries or storage establishment.</li> <li>○ Unlikely to result in significantly increased requirement for government spending on emergency management services. The proposal states that any future re-development would require floor levels to be raised.</li> <li>• The Flood Assessment Report prepared by FloodMit details that any application for re-development would require floor levels to be raised a further 0.4m above existing flood levels in order to satisfy the minimum floor level requirements for specialised retail premises. This can be dealt with at the DA stage.</li> <li>• The Report considered flood behaviour for floods ranging from a 20 year event to the Probable Maximum Flood (PMF) noting the following: <ul style="list-style-type: none"> <li>○ The subject sites are marginally inundated in the 100 year flood and mostly inundated in the PMF event.</li> <li>○ Existing buildings are approximately 0.1m above the 100 year flood level, but could be inundated by up to 0.19m in a PMF event.</li> <li>○ The site has a hazard vulnerability of H1 (generally safe for people, vehicles and buildings) in a 100 year event, but the entrance to the site increases to H2 (unsafe for small vehicles) in a PMF event.</li> <li>○ Part of the site inundated in a 100 year flood would be categorised as flood fringe, and the site would be</li> </ul> </li> </ul> |

| Directions             | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                        |                            | <p>categorised as either flood fringe or flood storage in a PMF event.</p> <ul style="list-style-type: none"> <li>○ Climate change impacts could increase the 100 year flood level at the site between 0.2-0.3m by the year 2100.</li> <li>• Both Council's Waterways Engineer and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) have reviewed the proposal and found it acceptable. DCCEEW stated the "proposal is acceptable subject to any future development of the site being undertaken in accordance with the flooding guidelines and Chapter 40 of the Sutherland Shire Development Control Plan 2015.</li> </ul> <p>To facilitate further review and agency consultation, a Gateway condition is recommended to consult with DCCEEW.</p> <p>The inconsistency with the direction is justified.</p> |
| 4.2 Coastal Management | Unresolved                 | <p>Direction 4.2 seeks to protect and manage coastal areas of NSW. This Direction applies as a portion of the site contains coastal wetlands, coastal use area, and coastal environment area (<b>Figure 4</b>).</p>  <p><b>Figure 4: Subject site and Coastal Management Areas (source: NSW Spatial Viewer)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| Directions                           | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      |                            | <p>The proposal is accompanied by the NSW Coastal Design Guideline checklist (<b>Attachment K</b>), which confirms the following:</p> <ul style="list-style-type: none"> <li>• Coastal wetlands are mapped at the south-western corner of the site, approximately a 2sqm area. The site is not located near littoral rainforest</li> <li>• The site is located more than 500m from the Georges River and is separated by existing urban built form. It will not have any direct impact on natural coast</li> <li>• No sensitive ecosystem or animal populations have been identified on the subject site</li> <li>• The proposal will not impact the ability of the site to accommodate stormwater management</li> <li>• As the proposal involves allowing an additional use within an existing building, no impacts on biodiversity are anticipated, nor is there a need for environment buffers.</li> </ul> <p>It should be noted that the planning proposal does not include any discussion for this ministerial direction. As such, the planning proposal is required to be amended to address this direction and remains unresolved until then.</p> |
| 4.4 Remediation of Contaminated Land | Justified                  | <p>Direction 4.4 aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered at the planning proposal stage.</p> <p>The Direction applies to this planning proposal because it seeks to introduce specialised retail premises as an additional permitted use on land that has had previous industrial activities.</p> <p>The proposal provides justification for the Direction 4.4 through the comprehensive Preliminary Site Investigation prepared by eiaustralia (<b>Attachment G</b>). It details there is a low to moderate risk for contamination to exist within the site, with any potential contamination identified being unlikely to impact ongoing commercial use.</p> <p>The Preliminary Site Investigation does recommend any future development requiring a detailed site investigation, a hazardous materials survey and the</p>                                                                                                                                                                                                                                   |

| Directions                            | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                       |                            | <p>DA being managed through the Resilience and Hazards SEPP requirements.</p> <p>The inconsistency with the direction is justified.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4.5 Acid Sulfate Soils                | Justified                  | <p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The Direction applies to this planning proposal because the site is mapped as Class 3 acid sulfate soils under SLEP 2015.</p> <p>The proposal to add “specialised retail premises” as an additional permitted use could potentially enable future development that involves ground disturbance or construction activities.</p> <p>The planning proposal is accompanied by an acid sulfate soil assessment (<b>Attachment L</b>) which considers the impact of future activities at the site to be negligible. It does detail if future development is expected to disturb soil, an acid sulfate soil management plan should be completed.</p> <p>Any future development on the land would be subject to clause 6.1 of the Sutherland LEP 2015. The proposal will not result in significant adverse impacts arising from acid sulfate soils.</p> <p>The inconsistency with the direction is justified.</p> |
| 5.1 Integrated Land Use and Transport | Consistent                 | <p>Direction 5.1 requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars. The proposal will assist in facilitating increased local employment opportunities and reduce the need to travel for work. This will help to improve resident worker containment and contribute to the aim of the 30-minute city.</p> <p>This direction is considered consistent.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 7.1 Business and Industrial Zones     | Justified                  | <p>Direction 7.1 aims to encourage employment growth and protect industrial and employment lands, it applies as the proposal seeks to insert an additional permitted use of specialised retail premises on IN1 zoned land. The assessment against Planning Priority S10 Retain and manage industrial and urban services land (see Section 3.2) is relevant to this Direction as well. Overall the proposal will not adversely impact</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                        |
|------------|----------------------------|-----------------------------------------------------------------------------------------------------------------|
|            |                            | employment growth or industrial and employment lands.<br><br>The inconsistency with the direction is justified. |

### 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

| SEPPs                                    | Requirement                                                                                                                                 | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                         |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Resilience and Hazards) 2021       | Establishes the requirements relating to contaminated land, coastal management, hazardous and offensive development.                        | Yes                        | See discussion under Section 3.5 for further discussion on acid sulfate soil, flooding, remediation of contaminated land and coastal management. |
| SEPP (Sustainable Buildings)             | Seeks to deliver equitable, effective water and greenhouse gas reductions across NSW                                                        | Yes                        | This SEPP is appropriate for any Development Application stage of the proposal.                                                                  |
| SEPP (Transport and Infrastructure) 2021 | Establishes the requirements for proposals that are likely to place an increased demand on infrastructure, services and facilities.         | Yes                        | This SEPP is appropriate for any Development Application stage of the proposal.                                                                  |
| SEPP (Industry and Employment) 2021      | To provide a consistent planning framework for employment and industrial development, including provisions for signage in employment zones. | Yes                        | This SEPP is appropriate for any Development Application stage of the proposal.                                                                  |

## 4 Economic Assessment

The proposal is accompanied by a report (**Attachment E**) by Hill PDA. The report references Council's SGS Economics and Planning report which found there is an additional 244,054m<sup>2</sup> of industrial activity floorspace needed within the Sutherland Shire by 2036.

The report also details the floor space requirements within Taren Point and Caringbah, finding that at this precinct level, there is a demand for 103,609m<sup>2</sup> of floorspace. This means that the precinct is expected to accommodate 42.5% per cent of overall demand for industrial activity floorspace.

The report finds that under the 'net theoretical capacity' and 'feasible capacity' Taren Point and Caringbah will be able to meet the demand requirements by 2036. Only under the 'conservative capacity' does the supply of future floor space fail to meet the demand. This means demand for employment floorspace would not be met if only vacant sites and select carparks in industrial areas are developed on, a highly unlikely development outcome across the LGA's industrial lands up to 2036.

Considering the above, the Department finds the additional permitted use of specialised retail premise is 'low risk' in terms of ensuring industrial floor space needs for the Sutherland Shire. The IN1 zone will be retained. It must be noted that it is unlikely existing industrial land uses will be in competition with large scale non-industrial uses such as office premises. The report outlines that there will be a surplus of industrial floor space within Sutherland Shire by 2036 and as such the additional permitted use of specialised retail premise is not considered to have an eroding effect on the LGAs industrial land.

## 5 Site-specific assessment

### 5.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

| Environmental Impact            | Assessment                                                                                                                                                                                                                                                                                |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Flooding and Contamination      | Section 3.5, Ministerial Direction 4.1 Flooding and 4.4 Remediation of Contaminated Land further discusses flooding and contamination impacts in relation to this planning proposal.                                                                                                      |
| Riparian Lands and Watercourses | The Sutherland Shire LEP 2015 identifies 131 Taren Point Road as containing watercourses. The planning proposal does not address these environmental impacts. A condition of any subsequent Gateway determination is recommended to update the planning proposal to address watercourses. |
| Terrestrial Biodiversity        | As discussed under section 3.5 Ministerial Direction 3.1 Conservation Zones.                                                                                                                                                                                                              |

### 5.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

| Social and Economic Impact | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Social                     | Retaining this land for employment uses will have a positive social impact on Caringbah and Sutherland Shire LGA as residents will have greater opportunities to work within the LGA, reducing traffic congestion and travel times to employment. The proposal provides that the currently prohibited uses occurring on the sites operate without conflict with the permitted industrial and urban services uses on adjoining land. Permitting specialised retail premises on the sites will allow landowners to continue to operate their business harmoniously within the area.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Economic                   | <p>The proposal will provide economic benefits by ensuring that the sites remain as employment generating uses by not introducing any residential uses. The proposal will permit specialised retail premises on the sites which will allow for future redevelopment to occur without reliance on existing or continuing use right provisions under the <i>Environmental Planning and Assessment Act 1979</i>. The sites are currently all developed with existing specialised retail premises. Allowing this use on the sites will be consistent with the eastern side of Taren Point Road. Retaining the uses on site will ensure that these industrial and urban services remain local for the community to use and provide employment within the Sutherland Shire.</p> <p>Further assessment on the economics of the planning proposal can be found at Section 3.2 <i>Planning Priority S10: Retaining and managing industrial and urban services land</i> and Section 4 – Economic Assessment.</p> |

## 5.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 10 Infrastructure assessment**

| Infrastructure   | Assessment                                                                                                                                              |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Road and Traffic | Section 3.3, <i>Planning Priority 2: Managing Traffic Congestion and Parking</i> , discusses the traffic impacts in relation to this planning proposal. |

## 6 Consultation

### 6.1 Community

The planning proposal is categorised as a basic under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

## 6.2 Agencies

The proposal does not specifically identify which agencies will be consulted but has engaged with Transport for NSW and Environment and Heritage Group.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water (DCCEEW)

## 7 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic

The Department recommends an LEP completion date of 28 July 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 8 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

Given that the changes sought by the planning proposal are of minor significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 9 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposed amendments will facilitate job creation on the subject site.
- The proposed amendments will enable the delivery of services to meet the needs of businesses and workers.
- It will facilitate the ongoing operation of existing land uses in the locality, is consistent with adjoining uses and compliments nearby strategic centres by facilitating a broader range of supporting land uses.

As discussed in the previous sections 3, the proposal should be updated to:

- address Section 9.1 Direction 3.1 Conservation Zones
- address consistency with Section 9.1 Direction 4.2 Coastal Management.

## 10 Recommendation

It is recommended the delegate of the Secretary note that:

- Agree that any inconsistencies with section 9.1 directions 1.1 Implementation of Regional Plan, 1.4, Site Specific provisions, 4.1 Flooding, 4.4 Remediation of Contaminated Land, 4.5 Acid Sulfate Soils and 7.1 Business and Industrial Zones are minor or justified. A condition of any subsequent Gateway determination will require the planning proposal be updated to address Direction 1.1 and 1.4

- Inconsistency with Planning Priority S10: Retaining and managing industrial and urban services land and Planning Priority S18: Adapting to the impacts of urban and natural hazards and climate change is justified. A condition of any subsequent Gateway determination is recommended to update the planning proposal to provide clarification that the priority is inconsistent but justified
- Inconsistency with section 9.1 directions 4.2 Coastal Management are unresolved and will require justification and consultation.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be amended to the requirements below and forwarded to the Minister under s 3.34(6) of the Act:
  - Update the planning proposal to clarify Planning Priority S10 Retain and manage industrial and urban services land and Planning Priority S18: Adapting to the impacts of urban and natural hazards and climate change is inconsistent but justified
  - Update the planning proposal to address Directions 1.1 Implementation of Regional Plan, 1.4, Site Specific provisions, 3.1 Conservation Zones and 4.2 Coastal Management
  - Include a new notation under the additional permitted use map under Section 5.4 – Part 4: Mapping of the planning proposal
  - Update the planning proposal to address watercourses and terrestrial biodiversity.
2. Consultation is required with the following public authorities:
  - Department of Climate Change, Energy, the Environment and Water (DCCEEW)
  -
3. Public exhibition is required under section 3.34(2)(c) of the Act as follows:
  - the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023) and must be made available for community consultation for a minimum of 20 working days; and
  - the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023).
4. Given the nature of the planning proposal, Council is authorised to be the local plan making authority.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for the LEP to be completed is on or before 28 July 2026



*16 September 2025*

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*30 September 2025 (Date)*

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