

29 September 2017

Ms Karen Armstrong
Director
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Armstrong,

RE: REVIEW REQUEST – 130-142 PARRAWEENA ROAD, MIRANDA – TAREN POINT PLANNING PROPOSAL

1.0 INTRODUCTION

This letter has been prepared on behalf of Fabcot Pty Ltd (“Fabcot” is a wholly owned subsidiary of Woolworths Limited) who is the proponent for a site specific Planning Proposal submitted to Sutherland Shire Council on 27 October 2016.

Fabcot’s planning proposal seeks the inclusion of an enabling clause to permit a “supermarket, café and liquor store” under Schedule 1 of the Sutherland Local Environmental Plan 2015 on the land at 130-142 Parraweena Road, Miranda, referred to as Taren Point Planning Proposal.

This review request is submitted as Sutherland Shire council has confirmed in writing that Fabcot’s request to prepare a planning proposal is not supported. Confirmation letter dated 28 August 2017 has been issued by Council. We would note that this letter was sent to Fabcot by email on 29 August 2017.

This letter provides the proponent’s justification for why a review is warranted, in accordance with the Department of Planning and Environment’s (DPE) “A Guide to Preparing Local Environmental Plans” released August 2016, as well as a list of events and a summary of documents.

2.0 SUPPORTING DOCUMENTATION AND LIST OF EVENTS

Table 1 below provides a summary of the supporting documentation and list of events since the Taren Point Planning Proposal was submitted by Fabcot to Sutherland Shire Council:

Table 1: Timeline Summary of Events and documents

DATE	EVENT	DOCUMENT AND REFERENCE on USB
27 October 2016	Application for site specific enabling clause submitted to Council	Fabcot completed Council application form signed by land owners Council Receipt Tabs 1 and 2
18 November 2016	Council email request for information (RFI)	Council RF1 email and flood certificate

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DATE	EVENT	DOCUMENT AND REFERENCE on USB
		Tabs 3 and 4
30 November 2016	Meeting with Council to discuss RFI	N/A
7 December 2016	Meeting with Council's engineers to discuss flooding component of RFI	N/A
13 February 2017	Council follow-up RFI letter	Tab 5
27 February 2017	Revised Planning Proposal in response to Council RFIs submitted	Taren Point Planning Proposal Feb 2017 Appendix A – Planning Study and appendices Appendix B – Preliminary Concept Appendix C – EIA, Sequential & NCB Tests August 2016 Appendix D – Transport report Appendix E – Flood Statement Dec 2016 Appendix F – Phase 1 Reports – 130-140 and 142 Parraweena Road June 2016 Appendix G – Computer Render #1 and #2 Appendix H – Fabcot VPA letter of offer Appendix I – Responses to Council RFI Appendix J – Attachment 1 Information Checklist Tabs 6 - 21
31 March 2017	Proponent response to Council November 2016 RFI with revised Transport Report and revised flood statement.	Email from proponent dated 31 March 2017 with revised Transport report and revised flood statement Tabs 22-24

DATE	EVENT	DOCUMENT AND REFERENCE on USB
28 April 2017	Council RFI requesting additional information regarding traffic.	Email from Council dated 28 April 2017 requesting additional traffic information Tab 25
13 June 2017	Meeting between proponent and Council to discuss traffic information options prepared by proponent.	N/A
12 July 2017	Proponent response to Council 28 April 2017 RFI email	Email from proponent dated 12 July 2017 with additional traffic information prepared by Colston Budd Hunt and Kafes and GTA Consultants. and EIA addendum prepared by MacroPlan Tabs 26-28
7 August 2017	Council report	Tab 29
21 August 2017	Council meeting	Tab 30
28 August 2017	Council issued letter and email advising Planning Proposal not supported	Tab 31

3.0 JUSTIFICATIONS FOR REVIEW AND RESPONSES TO STRATEGIC MERIT AND SITE SPECIFIC MERIT TESTS

3.1 The Planning Proposal is consistent with the *Draft South District Plan*

Council has indicated that one of the reasons the Planning Proposal should not be supported is on the basis of it being inconsistent with the draft *South District Plan*. The following information formed part of the written Planning Proposal, and is included below as the proponent's justifications for the review.

The site on which this Planning Proposal is located, is within the Taren Point Local Centre. The Taren Point Local Centre is shown in figure 3-7 of the draft *South District Plan*, as extracted below:



Figure 1: Extract of “Figure 3-7 Strategic district and local centre – draft South District Plan”

Source: Draft South District Plan

The Planning Proposal if supported can contribute to achieving a number of priorities, actions and principles sought by the Greater Sydney Commission for Taren Point being an identified local centre. Local Centres are defined under the *draft South District Plan* as follows:

Local centres vary in size from a few shops on a corner to a vibrant main street. They are on a smaller scale than district centres and generally serve the local population.

In addition, the *draft South District Plan* advises in relation to Local Centres:

These centres vary in terms of scale and contribution to Greater Sydney’s job growth and productivity as well as service provision to local communities. In brief:

...local centres have a range of local jobs and services for local catchments.

The Planning Proposal is consistent with the Productivity Priorities detailed within the draft *South District Plan* in particular in consideration of “3.3 Growing economic activity in centres” which seeks to promote better “Access to jobs (3.1.1)” within the district; provide more “economic opportunities (3.1.2)” within the district and achieve “district priorities (3.1.3)”, as the site is located within a Local Centre and will generate some 96 jobs.

Specifically, it is consistent with “Productivity Priority 1: Managing growth and change in strategic and district centres and, as relevant, local centres”, which states:

When undertaking planning for strategic, district and local centres, the relevant planning authority should consider:

- *opportunities for existing centres to grow and new centres to be planned to meet forecast demand across a range of retail types*
- *the need to reinforce the suitability of centres for retail and commercial uses whilst encouraging a competitive market*
- *the commercial requirements of retailers and commercial operators such as servicing, location, visibility and accessibility*
- *the use of the B3 Commercial Core Zones in strategic centres and, where appropriate, in district centres to reinforce and support the operation and viability of non-residential uses including local office markets.*

When preparing strategic plans the relevant planning authority needs to demonstrate how its planning for centres has considered strategies to:

- *deliver on the strategic and district centre’s job targets*
- *meet the retail and service needs of the community*
- *facilitate the reinforcement and/or expansion of allied health and research activities*
- *promote the use of walking, cycling and integrated public transport solutions*
- *provide urban spaces such as meeting places and playgrounds*
- *respond to the centre’s heritage and history*
- *promote community, arts and cultural activities*
- *reflect crime prevention through environmental design (CPTED) principles such as safety and management*
- *manage the transition between higher intensity activity in and around a centre and lower intensity activity that frames the centre.*

How these matters are taken into account is to be demonstrated in any relevant planning proposal.

As the planning proposal will provide:

- an opportunity to grow an existing Local Centre;
- the delivery of at least a net gain of 96 jobs;
- details specific demand so as to meet the retail needs of the community;
- will support the expansion of allied health and research activities and jobs, by providing for access to goods to support shift workers by the hours of operation proposed;
- promoting the use of walking, cycling and integrated public transport solutions by providing for improved streetscapes and an active frontage;
- provision of a new place capable of supporting a meeting place including a supermarket and café;
- will include with a DA an opportunity for public art which could include a response to the centre’s heritage and history, and with a DA specific design mechanisms which are

routinely implemented by Woolworths to reflect crime prevention through environmental design (CPTED) principles such as safety and management including a detailed design to response to Liveability Priority L10: *Provide design-led planning to support high quality urban design*; and

- support and help manage the transition between higher intensity activity in and around other centres such as Caringbah and Miranda which are experiencing demand which over extend existing supermarkets, to lower intensity activity that frames these centres.

This planning proposal is consistent with priority “3.4.3 Planning for retail floor space provision and demand in the South District and specifically is consistent with “Productivity Priority 4: Prioritise the provision of retail floor space in centre, which states:

When preparing retail and commercial strategies to inform local planning, the following matters should be considered:

- *existing and future supply and demand for retail floor space within the District based on the Department of Planning and Environment’s medium population growth scenario*
- *the accessibility of different types of retail and commercial floor space to communities*
- *opportunities to allow retail and commercial activities to innovate*
- *the impacts of new retail and commercial proposals to the viability and vitality of existing and planned centres*
- *the need for new retail development to reinforce/enhance the public domain*
- *the net social, economic and environmental benefits of new supply within different locations.*

How these matters are taken into account is to be demonstrated in any relevant planning proposal.

The Economic Impact Assessment contained in **Appendix C** of the Planning Proposal demonstrates:

- existing and future supply and demand for retail floor space within the District based on the Department of Planning and Environment’s medium population growth scenario;
- the accessibility of different types of retail and commercial floor space to communities;
- opportunities to allow retail and commercial activities to innovate;
- the proposal will not result in an unacceptable adverse impact on new and existing retail and commercial proposals or the viability and vitality of existing and planned centres;
- the need for new retail development to reinforce/enhance the public domain; and
- the net social, economic and environmental benefits of new retail floor space supply in this location.

In addition, the Planning Proposal is consistent with the following priorities:

- 3.4.4 Planning priorities for strategic district and local centres;
 - Principle 1: *Connecting centres with a networked transport system*;
- 3.8 Accessing a greater number of jobs and services within 30 minutes;
- 3.9 Managing freight activities across the district;
- 4.6 Create great places in the South District;

- 4.7 Foster cohesive communities in the South District;
 - Liveability Priority 4: Facilitate the delivery of safe and healthy places;
 - Liveability Priority 5: Facilitate enhanced walking and cycling connections;
- 5.1 The South District's environment;
- 5.2 Enhancing the South District in its landscape;
 - Sustainability Priority 2: Avoid and minimise impacts on biodiversity; and
 - Sustainability Priority 3: Align strategic planning to the vision for the Green Grid.

The Planning Proposal is consistent with priority “3.5 Managing employment and urban services land across the District, and is specifically consistent with Productivity Priority 5: Protect and support employment and urban services land, which states:

Employment and urban service lands play a critical role in the efficient and effective function of the District. Owing to the comparative scarcity of this resource, a holistic and precautionary approach to their planning should be undertaken.

Accordingly, relevant planning authorities should take a precautionary approach to rezoning employment and urban support lands or adding additional permissible uses that would hinder their role and function.

The exception being where there is a clear direction in the regional plan (currently A Plan for Growing Sydney), the District Plan or an alternative strategy endorsed by the relevant planning authority. Any alternative strategy should be based on a net community benefit assessment (i.e. analysis of the economic, environmental and social implications) of the proposed exception taking into account a Districtwide perspective in accordance with Action P3.

How these matters are taken into account is to be demonstrated in any relevant planning proposal.

One of the reasons Council does not support the planning proposal is a concern regarding a “loss of industrial zoned land” on the basis of the “precautionary approach” as detailed within the draft *South District Plan*. On the contrary, the proponent does not seek to remove the Industrial General IN1 zoning of the land. The Planning Proposal does not seek to rezone the land as it does not involve the conversion to another zone, but rather seeks an outcome which will maintain the existing zone to support warehousing and distribution functions associated with Woolworths online retail (e-commerce), while at the same time support the provision of retail floor space in the Taren Point local centre. The applicant has included a net community benefit and sequential test within the Economic Impact Assessment at **Appendix C** of the planning proposal which demonstrates that the inclusion of an enabling clause is appropriate in this location, will not result in unacceptable adverse impacts and will have wide community benefits.

As such, the Planning Proposal is consistent with the *draft South District Plan* as:

- The proposal will not reduce the primacy of existing centres such as Caringbah or Miranda as detailed in the EIA prepared by MacroPlan Dimasi at **Appendix C**;
- The use of an enabling Clause will allow the continuation of businesses within existing District and local Centres in the South District;
- The site is located within the Taren Point Local Centre and will maintain the existing land use zoning along with seeking additional permissible uses, hence will not reduce the available

employment land, but rather will contribute both to the overall concentration of businesses in the area and maintaining a place of mixed enterprises;

- The proposal seeks to increase the capacity of the Caringbah / Taren Point employment and service lands area to provide additional supermarket retail infrastructure (that is not able to be accommodated on any existing suitably zoned sites) or centres;
- The proposal will deliver a retail supermarket:
 - i. in close proximity to existing retail uses within the Caringbah / Taren Point bulky goods and employment area precinct;
 - ii. in a location where colocation of retail uses has already occurred; and
 - iii. in character with existing built forms and within acceptable traffic considerations as that of other land uses within the Caringbah / Taren Point bulky goods characteristics and employment area precinct.
- The proposal will facilitate additional workers and visitors to the precinct who seek convenient access to supermarket facilities and usage of existing public transport networks.

The proposed site configuration is consistent with desired outcomes of the plan in that it will:

- complement adjoining built form through massing that respects the existing street character and allows for the future redevelopment of the neighbouring sites;
- provides a much needed supermarket facility for the community; and
- provides additional employment.

The site is not of high biodiversity, or located in proximity to a water way to the extent that redevelopment poses a risk, and accordingly will not adversely affect the natural environment.

The Taren Point local centre as detailed in the Draft South District Plan was not identified in the Council report (refer to Tab 29). As this information was not presented to the Councillors to assist in forming a position on whether the planning proposal should proceed to a Gateway Determination, and the proponent considers this is an important consideration in the assessment of the planning proposal, this is considered to be a significant reason to justify the review request.

Table 2 below summarises the strategic merit test and how this planning proposal as submitted to Council in February 2017 responds to the matters for consideration:

Table 2: Summary of Responses to Strategic Merit Test

Strategic Merit Test	Response
• consistent with the relevant regional or subregional strategy. This would include all Regional Strategies (when in place) and A Plan for Growing Sydney;	The proposal is consistent with <i>A Plan for Growing Sydney</i> and in particular will enable the implementation of Direction 1.9 associated with the digital economy and Action 1.9.2 without an unacceptable loss of industrial lands as detailed in the Industrial Lands Strategic Assessment included in Table 2 of this PP. The proposal seeks the inclusion of additional uses rather than rezoning the land and therefore will not result in the loss of industrial lands. The proposal is consistent with the proposed amendment to the metropolitan regional plan <i>Towards our Greater Sydney 2056</i>, and is consistent with each of the matters for consideration in the

Strategic Merit Test	Response
	relevant “Productivity, Liveability and Sustainability Priorities” of the <i>draft South District Plan</i> and as the site is located within the Taren Point “local centre” designated in the mapping under the <i>draft South District Plan</i>.
• <i>consistent with a relevant local council strategy, endorsed by the Department;</i>	There is no local council strategy which has been endorsed by the Department. Council prepared a number of supporting reports associated with the preparation of its draft LEP using the standard instrument format, this included a report titled “Employment Strategy – January 2013”. This report includes information about bulky goods retailing at Section 4, which states in part: ... <i>Despite strong regional demand for bulky goods, Sutherland Shire’s supply of bulky goods retail floor space is below the average for the Sydney Metropolitan Area. Therefore, there is considerable consumer demand to expand the Shire’s relatively small bulky goods precinct in Taren Point. The underlying issue is that Sutherland Shire currently provides more retail jobs than there are local retail workers to fill them - in a sector characterised by low-wage and part-time or casual jobs. While this employment type meets the needs of a segment of the working population, utilising scarce large lots for low demand, low employment-generating purposes comes with high opportunity costs. This means: the more that underutilised industrial sites are consumed by bulky goods retailing, the less opportunity there is to develop higher-skill, higher employment-generating businesses in the Shire to meet the employment needs of the majority of resident workforce. The DSILEP seeks to address this.</i> ... As Council has not undertaken any study or investigations associated with verifying whether there continues to be an under-supply of retail supermarket floor space within the Sutherland LGA, and the perception that the LGA has sufficient jobs in the retail sector, Woolworths has engaged MacroPlan Dimasi to: • Undertake an analysis of supermarket floor space provision per capita in the Sutherland LGA, including comparisons with metropolitan Sydney, NSW and Australia. This has involved examining the provision of supermarket floor space across the broader “South District” (i.e. one of the NSW DPE metro strategy sub-regions) and assesses the trading performance of local supermarkets within the Sutherland LGA; • Undertake a further analysis of retail employment trends within the Sutherland LGA; and

Strategic Merit Test	Response
	• Provide a summary of economic and community impacts associated with any identified under-supply of supermarket floor space for local residents. The analysis work prepared by MacroPlan Dimasi in 2016 builds on the work undertaken by Hill PDA in 2010. In contrast to Council's report above, the MacroPlan Dimasi report at Section 2.2 states: <i>As at the 2011 Census, there were around 110,500 resident workers in the Sutherland Shire yet only 57,200 local jobs were available in the Shire. Furthermore, approximately 20% of the 57,200 local jobs were filled by workers from beyond the Sutherland Shire, meaning around 60% or 66,000 Sutherland Shire resident workers leave the LGA every day for work.</i> <i>The number of jobs in the Sutherland Shire grew by around 4.8% between 2006 and 2011, yet retail jobs in the Shire declined by 1%. Retail trade is a key driver of the local economy, constituting around 16% of all local jobs as at 2011, the largest employing industry in the Shire. Yet there was a net under-provision of retail jobs in the Sutherland Shire of around 16%, or 1,750 jobs in 2011, with less retail jobs available in the Shire than employed residents in the retail industry.</i> The work by MacroPlan Dimasi is included at Appendix C of this Planning Proposal
• <i>the contemporary nature of the relevant LEP, measured by the time elapsed since the community has been consulted on the zoning of the subject area (including, for example, as part of the introduction of standard instrument LEPs);</i>	While the Sutherland LEP 2015 was gazetted on 23 June 2015, it has not enabled additional supermarket retail floor space to be realised or present opportunities for additional supermarket retail floor space to be developed, therefore the proponent has proposed this planning proposal with a site specific enabling clause so as the long term proportion of industrial zoned land within the LGA is not diminished.
• <i>demonstrable reason for the rezoning or change in planning controls to occur, based on changed circumstances since the LEP was made, such as:</i> ➤ <i>new infrastructure;</i> ➤ <i>a new or updated regional, subregional or local strategy to address an inconsistency between strategic planning and zoning and/or development standards; or</i> ➤ <i>the public interest.</i>	There is a clear unmet demand for supermarket floor space within the Sutherland LGA, and in particular the locality, as detailed in the information contained within the Planning Study documents at Appendix A. The proposed enabling clause will contribute to new retail infrastructure to contribute to the unmet demand. There are constraints to establishing a new full-line supermarket within existing centres. The changing nature of the Taren Point Employment Area and its current character in Parraweena Road needs to be considered, given the number of existing retail activities which demonstrate the proposal is not inconsistent with its local context. In this regard, a pre-existing full-range supermarket is located across the road from the site, along with other businesses along Parraweena Road such as BCF, Taren Point Hotel, Beacon Lighting, Gold's Gym and child care, reflect a mix of uses similar to existing centres in the LGA.

Strategic Merit Test	Response
	Of the 142.8 hectares of industrial land in the Sutherland LGA, the proposal represents some 0.86 percent. The impact of this small area of the total stock of 142.8 hectares is considered to be relatively insignificant. The proposal is in the public interest for the reasons detailed above and in addition, will provide for a number of public benefits including: a. an additional 96 retail jobs on-site with a broader 38 full-time jobs as a result of the multiplier effect; b. the provision of additional retail jobs in this location within the Sutherland LGA will reduce the outflow of residents to jobs located beyond the boundaries of the Sutherland LGA, so as to contribute to stemming the undersupply of retail jobs within the Sutherland LGA; c. the provision of additional retail supermarket floor space in this location within the Sutherland LGA will contribute to stemming the undersupply of supermarket floor space; d. the proposal is consistent with the objectives of the zone as it seeks to provide for a warehousing and distribution function; e. the proposal will contribute to the use of existing transport infrastructure which utilises routes along Parraweena Road to nearby railway stations; f. will not contribute to unacceptable impacts on local traffic and road networks; g. will not diminish the amount of residential land zoned in the Sutherland LGA or adversely affect dwelling density targets; h. will provide a shopping facility closer to home for residents of the Sutherland LGA and therefore reduce car trip lengths and journey times; and i. the proposal includes a VPA Offer to support identified outcomes which Council could support subject to a masterplan associated with nearby land in the Taren Point Employment Area. As such, the planning proposal can be supported as: i. suitable land is not available for the development in nearby business zones. ii. The development will not detrimentally affect the range of services offered by existing shops located in nearby business zones. iii. The granting of consent will not adversely affect the existing or future industrial zone.

Table 3 below has summarises the site-specific merit test and compatibility with surrounding land uses, and how the planning proposal responds to the matters for consideration:

Table 3: Summary of Responses to Site-Specific Merit Test

Site-Specific Merit Test	Response
• <i>the natural environment (including known significant environmental values, resources or hazards);</i>	There are no environmental hazards which would prevent the development of the land as proposed, and all environmental impacts can be managed.
• <i>the existing uses, approved uses and likely future uses of land in the vicinity of the proposal;</i>	The existing uses within the precinct currently include retail shops, child care, industrial, warehouse and office based businesses.
• <i>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.</i>	Existing services and infrastructure are available and can be augmented as required to enable the site to be redeveloped.

If you have any queries, please do not hesitate to contact Marian on 0488 221082.

Yours sincerely,

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Encl.