



Our reference: 8386834
Contact: Carlie Ryan
Telephone: 4732 8345

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Director, Employment Policy and Systems
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mrs Burton,

Proposed Amendments to Retail Land Use Definitions

Thank you for the opportunity to comment on the proposed amendments to retail land use definitions in the Standard Instrument Local Environmental Plan (SILEP).

Providing appropriate opportunities and controls for emerging retail and manufacturing sectors will provide clarity for industry and assist sustainable job growth.

New definition for artisan premises

The proposed new definition of artisan premises will allow us to support emerging industries by ensuring growth occurs in locations that have appropriate amenity and access options.

Further development of supporting controls to balance industrial and retail uses for artisan premises should be considered in the NSW Retail Strategy, including maximum gross floor area (GFA) percentages in clause 5.4 (SILEP) to balance retail and industrial uses for the sites, similar to how the "industrial retail outlet" operates. Balancing the spaces provided may help to define primary and ancillary uses for the site.

Depending on whether artisan premises are intended to have a dominant manufacturing or production use, it may be more appropriate to revise the industrial retail outlet definition to incorporate the intentions of the artisan premise definition.

The impact of these land uses in industrial zones is of concern given Council has advocated for the growth of our city centres and night time economy. Allowing land uses such as restaurants and cafes to operate in areas outside our major centres may impact the growth of our major centres.

Amended definition for garden centres

We believe that the indicative revised definition of garden centres is a positive shift reflective of retail trends. Enabling mixed use retail options which respond to consumer demand will allow small retailers to better compete with larger chains.



New definition for local distribution premises

We support a hierarchy of distribution networks, including varied delivery methods and storage premises working to meet the different scales of demand.

Currently, the Penrith LEP permits warehouse and distribution facilities in all of the zones listed in the proposed amendments, including B5 Business Development, B6 Enterprise Corridor, B7 Business Park, IN1 General Industrial and IN2 Light Industrial.

As such, the inclusion of an additional definition, as it is justified in the proposed amendments, would not increase the allowances made in our LEP which already accommodate smaller distributors. There is a concern that this could add another layer of complexity to our existing controls.

Further clarification in the NSW Retail Strategy is needed on the definition of “local delivery”, as the current wording does not give certainty around what scale of premises that would meet the term “local”. We plan to address this in our relevant strategic plans, but feel that significant changes such as this need to be supported by strong research which allocates the appropriate scale for a local distribution centre, given that in this case “local” refers to the customer catchment or travel distances of the distributor.

New definition for neighbourhood supermarkets

Separately defining neighbourhood supermarkets and allowing for increased maximum GFAs would improve the flexibility of uses in neighbourhood centres and may help to rejuvenate them.

It should be left to councils to determine the appropriate size and scale for neighbourhood supermarkets. In Penrith, many B1 zoned areas do not exceed 1,800m². If a supermarket of 1,500 m² were to be developed on these sites, it may reduce the overall mix and diversity of retail opportunities available to our community. Consideration of a maximum GFA of 500m² would allow for existing smaller retailers to continue operating.

Given that one of the objectives of B1 zones in both our LEP and the SILEP is to improve walkability, it is desirable to allow for a diverse range of retail and other permissible services within walkable distance, where it is feasible.

Amended definition for bulky goods premises

The allowance of flexibility for retailers to respond to market demand and provide pick-up and delivery options suitable to their stock is a positive shift.

We would like to note that under the new definition “window coverings” are listed, whereas the previous definition includes “window supplies”, which may be understood as different products.

Consideration must also be given to how applicants supply and use loading facilities, whether it be for stock delivery in bulk or the sale of items. The development outcomes for these purposes are distinct, and issues have arisen from the current definitions.

Across the revisions, we would like to see further investigation into options for refining existing definitions or floor space controls to avoid overcomplicating



planning instruments. The investigation of these options should be included in a publicly available discussion paper before the addition of new definitions can be supported as the most effective option for responding to retail trends.

The term "local" has been used in many recent planning amendments, and it is seldom defined. In some cases, as in the case of "Local Character" amendments, it refers to the identity of an area, while in others, as in this case, it refers to distances travelled or even a collection of suburbs. The prolific use of this term increases the ambiguity of planning controls at the state level until new, more specific council controls can be put into place.

Council looks forward to reviewing the NSW Retail Strategy when it is exhibited.

If you have any further questions regarding this matter, please contact Carlie Ryan, Principal Planner – City Planning on 4732 8345 or carlie.ryan@penrith.city.

Yours sincerely,

Natasha Baker
City Planning Manager