

Filer No. 145-571-1

16 May 2018

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

Dear Sir/Madam,

**Blacktown City Council submission on the Planning for the Future of Retail Discussion Paper and proposed amendments to the retail land use definitions**

Thank you for the opportunity to comment on the Planning for the Future of Retail Discussion Paper and the proposed amendments to the retail land use definitions.

We generally support a strategic review on the future of retail and a focus on a centres based approach. However, there are aspects of the proposal that we question or do not support.

In particular, we do not support the growth of unplanned retail outside of recognised and defined centres, mandating open zones or establishing retail innovation provisions. We also do not support the proposed definition of 'specialised retail premises'.

Our detailed submission on the discussion paper and the proposed retail land use definitions is included as attachment 1.

If you would like to discuss this matter further, please contact Glen Weekley, Team Leader Strategic Planning, on 9839 6236.

Yours faithfully,



Glennys James  
Director Design and Development





**Blacktown City Council submission**

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**Planning for the future of retail**

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**1. Planning for the Future of Retail: Discussion Paper****a. Direction 1: Better local strategic planning for retail**

We generally support a focus on centres by:

- establishing long-term place-based outcomes for retail
- updating local retail strategies
- aligning the strategic narrative and planning controls.

**b. Direction 2: A modern approach to retail development that reflects a range of retail formats in centres**

We support a focus on retail activity being located within a defined hierarchy of centres across the City. This enables focused investment in supporting infrastructure and the promotion of higher density mixed use residential environments. We do not support the growth of unplanned retail outside of recognised and defined centres.

Clusters of out-of-centre retailing are generally not supported by public transport, social infrastructure, higher density housing, investment in the public domain, nor have the activation and vibrancy that we plan to achieve in identified centres. Any such recognition would detract from planned growth, investment and impact of the viability of identified centres. We therefore strongly oppose the recognition of large-format retail clusters as centres.

**c. Direction 3: Adaptability and certainty for retail**

We do not support the direction of creating open zones or establishing a retail innovation provision to allow undefined or prohibited land uses to be potentially permitted. Applying a universal approach is completely contrary to the strategic place-based approach that is promoted in Direction 1.

We are concerned that we could not implement our strategic place-based intent for a centre through the use of a universal open zoning approach. The current system of 'closed zoning' allows us to apply the most appropriate land use zone and determine land uses that meet our strategic intent. There is not enough detail in the Discussion Paper to determine the implications of such an approach.

An open zone approach would lead to developers focusing on land uses that create the greatest yield return, as opposed to creating the best place-based outcome for a centre. The result could lead to a greater focus on residential development in our centres that could limit the ability for retail uses to operate. Whilst we are not

opposed to residential development, it needs to be balanced in a mixed use environment, to ensure that centres have the right land use mix to enable them to function and not be dominated by a single use, especially along main streets that we are trying to activate. Furthermore, an open zone enables completely inappropriate land uses to be located in a centre, which again could undermine the local place-based intent for the centre.

#### **4. Amendments to retail land use definitions**

##### **a. New land use definition for ‘artisan premises’**

We generally have no objection to the proposed new land use definition of ‘artisan premises’. We do however question the need for the definition given the existing definitions of ‘light industry’ and ‘food and drink premises’. We also don’t support it being a mandated use in the IN1, IN2, B5, B6 or B7 zones.

‘Artisan premises’ may be suitable in inner city locations where IN1, IN2, B5, B6 or B7 land use zones are often in walking distance to neighbouring residential areas or form part of large renewal projects. However, in Western Sydney industrial zones are located considerable distance from residential areas, centres and public transport. They are car and truck dependent given the nature of industrial activity being conducted in these locations.

We believe that ‘artisan premises’ would be appropriate in many of our centres (B1, B2, B3 and B4 zones) where we already permit ‘food and drink premises’ and other forms of retail. They could well be that new use that could activate or regenerate many smaller underutilised centres throughout Sydney that are struggling to compete with larger supermarkets and shopping centres.

Whilst we don’t object to the use, we question the need for a further definition, particularly when the whole concept of investigating the retail sector is to reduce complexity. Adding new definitions increases the complexity in the planning system and is contrary to the whole objective of the Discussion Paper.

We believe that the proposed definition of ‘artisan premises’ is already covered under the existing definitions in the Standard Instrument LEP. The existing definition of ‘light industry’ is the carrying out of an ‘industrial activity’, which includes ‘production’ and ‘processing’ of ‘goods, substances, food, products’. The existing definition of ‘industrial retail outlet’ enables the ‘display or sale’ of the goods manufactured on site. Similarly, the existing definition of ‘retail premises’ is broad enough to cover the selling of items, and includes ‘cellar door premises’ and ‘food and drink premises’.

##### **b. Amended land use definition of ‘garden centre’**

We are not opposed to the amended definition of ‘garden centre’.

##### **c. New land use definition of ‘local distribution premises’**

The size, location and operation of a ‘warehouse or distribution centre’ is determined by a number of factors, such as the availability of land and floor space, and

development costs, as well as truck accessibility and the location of markets that they are serving.

We therefore don't believe a new definition that proposes to focus on 'local' distribution is necessary as it will have no effect on the number or location of new warehouse or distribution centres.

Furthermore, the wording in the proposed new definition is unclear, impractical and unenforceable as there is limited ability to differentiate between a 'warehouse or distribution centre' that services a 'local' market as opposed to a broader market.

**d. New land use definition of 'neighbourhood supermarket'**

Similar to 'local distribution premises', we don't believe that a new definition of 'neighbourhood supermarket' is warranted. The size, location and operation of a 'shop' is determined by a number of factors, such as the availability of land and floor space, costs, accessibility and the catchment that they are serving. The existing definition of a 'shop', without any floor space restrictions, sufficiently covers the intended use in the B1 zone.

**e. Replace the land use definition of 'bulky goods premises' with 'specialised retail premises'**

We strongly object to the proposed new definition of 'specialised retail premises'. We feel that the definition will negatively impact on the viability of existing and planned centres, and is contrary to the principles outlined in the Greater Sydney Region Plan and the District Plans.

In particular, the inclusion of food, clothing and footwear as part of one of the listed categories of retailing enables uses to operate in locations away from a centre. For example, the definition would enable a department store (eg. Myer, David Jones, Kmart, Target or Big W) to be permissible in an out-of-centre location as they sell household appliances, party supplies, baby and children's goods, as well as food, clothing and footwear.

We do not associate the concentration of 'bulky goods premises' ('specialised retail premises') with traditional town centres focused on place-based planning outcomes. Town centres are places where we want higher density residential, retail, commercial and business activity, town plazas and community facilities, and are generally serviced by public transport. We need to protect our existing and planned centres from the unplanned concentrations of 'bulky goods premises' that undermines their viability.

We do not support the simplifying of the definition as it broadens its application substantially, to the detriment of real town centres.

