

17 May 2018

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To whom it may concern ,

## PROPOSED AMENDMENTS TO THE STANDARD INSTRUMENT LEP

This submission has been prepared on behalf of Waterford County Pty Ltd, in response to public exhibition of the proposed amendments to the Standard Instrument Local Environmental Plan (SILEP).

Waterford County are currently planning a joint venture development of a Neighbourhood Shopping Centre on a 4.23ha site in Chisholm, within the Maitland LGA. The site is zoned B1 – Neighbourhood Centre under the Maitland LEP 2011. It is the intention to provide up 6325sqm of retail GLA and includes 3800sqm of GLA for a 'full line' supermarket'.

Chisholm is a planned neighbourhood scale shopping centre that was first identified in the Thornton North Structure Plan (TNSP) adopted by Council in 2003 to guide the long-term planning of the Thornton North (since renamed Chisholm) Urban Release Area. The Chisholm Urban Release Area has been long recognised in the Regional Planning Strategy and is intended to accommodate a future population of circa 13,000.

As part of the rezoning of the centre, Council made it very clear through its 'Draft Centres Strategy' that the most appropriate zone for the site was B1 – Neighbourhood Centre. This was despite Waterford County's request in the planning proposal that the land be zoned B2 Local Centre. The site was subsequently zoned B1 adopted Maitland LEP 2011.

As part of the requirements of Part F7 the Maitland Development Control Plan 2011 – Urban Release Areas (DCP), a precinct plan was prepared for the Chisholm Neighbourhood Centre. This plan was subsequently adopted for the site on 28 February 2017. The Precinct Plan & subsequent DCP included *inter alia* specific development controls requiring

***“ the provision of a full line supermarket and other core retail uses in Stage 1 of the Neighbourhood Centre.”***

The provision of retail uses such as a 'full line supermarket' is permissible by virtue of the range of land uses which are permissible within the B1 Neighbourhood Centre Zone within the Maitland LEP 2011. It is specifically noted that *retail premises* are not 'prohibited' within the B1 Zone.

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As highlighted in the accompanying *Planning for the Future of Retail – Discussion Paper, April 2018* it is clear that the intention of the proposed new 'Neighbourhood Supermarket' definition is to apply to Metropolitan Areas. The discussion paper points to the definition allowing for the development of smaller format supermarkets which can provide convenient daily shopping for consumers and that this use works well when co-located with transport hubs or higher density residential.

We are therefore deeply concerned that the proposed SILEP amendment whereby "neighbourhood supermarkets" are included as a mandatory permitted land use in B1 zone will create significant uncertainty in our case.

In relation to this definition, the land which surrounds the Chisholm Neighbourhood Centre is zoned R1 General Residential and is clearly not intended to be either a 'Transport Hub' or 'Higher Density Residential.'

We submit that in regional land release areas, such as Chisholm, there is sufficient capacity within the release area to provide for the parking and traffic infrastructure to support a 'full line supermarket' and other retail uses. These uses remain consistent with the objectives of B1 – Neighbourhood Centre zones within Maitland which are:

- *"To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood, and*
- *To provide retail, business and community facilities to meet the needs of a growing population."*

Further, we submit that the proposed land use definition and supporting GFA restriction must not serve to 'prohibit' or restrict the potential development of 'full line' supermarkets in regional areas such as Chisholm which are zoned B1 – Neighbourhood Centre and where it is consistent with zone objectives as is our case.

We request that the definition to be applied to land zoned B1 – Neighbourhood Centre be reviewed as it applies to land release areas such as that at Chisholm. In this case there is a long-standing position of Council to plan for a specific outcome and create the sense of place that is critical for the support of the new community emerging in this location. There is a risk that this population will be disadvantaged if the intent of the proposed SILEP amendment is applied in the case of Chisholm.

Yours sincerely,

  
Gary McMurray  
Director

cc. Monica Gibson

