

18 May 2018

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

Dear Sir / Madam,

**Canterbury–Bankstown Council Submission –
Retail Discussion Paper and Land Use Definitions**

I refer to the exhibition of the Discussion Paper '*Planning for the Future of Retail*' and the Draft Retail Land Use Definitions.

Following a review, Council raises the following issues in relation to the future of retail in the NSW planning system:

1. Finalise the NSW Retail Strategy and new zoning framework to align with the preparation of local strategies and LEPs.

The NSW Minister for Planning recently announced the priority councils that must complete their local strategies and LEPs in the next 2 years. The intended outcome is to align these plans with the Greater Sydney Region Plan and District Plans. Canterbury–Bankstown Council is one of the priority councils.

At the same time, the Discussion Paper indicates Council's local strategies and LEP should align with the NSW Retail Strategy (page 20) and new zoning framework (page 33), which are yet to be finalised.

Should this be the case, it is important for the Department of Planning & Environment to finalise the NSW Retail Strategy and new zoning framework in the short term if these policies are to inform the preparation of Council's local strategies and LEP.

2. Expand the retail definitions to better reflect modern business practices.

The Discussion Paper proposes to introduce an 'innovation in retail' provision as an interim measure whilst the Department of Planning & Environment reviews retail land use definitions to better reflect modern business practices (page 35).

As part of this review, the Department should consider the following undefined uses which are emerging in the City of Canterbury–Bankstown:

- Warehouse retail outlets, which would allow warehouses to display or sell goods that are stored on the premises.
- Small office / home office (SOHO), which would allow the establishment of small businesses within the business owner's residence. As a general guideline, a small office may be considered as any firm with fewer than 10 employees.
- Airbnb.
- Car wash businesses.
- Regularly occurring temporary uses such as school fetes and circuses.

3. Clarify the intent of clause 5.4 of the Standard Instrument LEP.

Clause 5.4(7) of the Standard Instrument LEP restricts the retail floor area of development for the purposes of a neighbourhood shop.

As part of this review, the Department should clarify whether the retail floor area restriction applies to the site or to each individual neighbourhood shop on the site. This clarification should occur prior to the proposed introduction of neighbourhood supermarkets in the same clause.

4. Clarify the intent of the shop top housing definition.

The Standard Instrument LEP defines shop top housing as one or more dwellings located above ground floor retail premises or business premises.

As part of this review, the Department should clarify:

- Whether the definition of business premises contains an exhaustive or non-exhaustive list of examples, given it uses the words 'without limitation'.

Council is assessing an increasing number of development applications, where proponents argue that other non-residential land uses (e.g. serviced apartments, child care centres and medical centres) should be able to locate on the ground floor. The issue is the definition of business premises does not preclude other non-residential land uses if they provide a service directly to the public on a regular basis.

- Whether there is flexibility to locate dwellings on the ground floor, particularly at the rear of buildings which is often deemed unsuitable for retail or business purposes.

5. Prepare a model provision which would allow the reuse of existing buildings in residential zones that were designed and constructed as shops.

The Discussion Paper recognises the need to update the Standard Instrument LEP to provide convenient daily shopping for consumers and to rejuvenate smaller neighbourhood centres.

An opportunity is to provide a model provision which would permit office premises, shops, restaurants or cafes or take away food and drink premises in residential zones where the development relates to the reuse of an existing building that was designed and constructed as a shop (refer to Marrickville Local Environmental Plan 2011, clause 6.10).

The model provision would assist to streamline the assessment process, particularly in relation to change of uses, rather than requiring small business owners to demonstrate existing use rights.

If you have any enquiries or require further information in relation to Council's submission, you can contact Council officer Mauricio Tapia on 9707 9923.

Yours sincerely,



Mitchell Noble
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