

18 May 2018

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

Dear Director

Re: Submission: Planning for the future of retail - Proposed amendments to the Standard Instrument LEP

I am writing in response to the public exhibition of *Proposed amendments to the Standard Instrument LEP*. The amendments proposed would affect land uses in business zones in the Mosman LEP2012. The current suite of zones, zone objectives and permitted land uses are a reflection our local community and Council working together to set a strategic direction for our centres.

Council recognises the need for planning regulation to allow for innovation and to have some flexibility to accommodate changes in the way people use land. The regulatory framework in NSW utilises a range of traditional planning tools that may not be best suited to provide for twenty first century life.

The changes proposed by the above mentioned document are stated as being in response to impediments in the Standard Instrument LEP. The proposed changes are considered to be a blunt tool response to an already overcomplicated, overregulated and unresponsive planning system developed by the State for councils to use. This submission provides feedback on the proposed definitional changes and the potential effect on Mosman's LEP and business zones.

1. Artisan premises

It is not clear from the definition that any of the uses in a) to e) are required to be ancillary to the principal purpose being "*A building or place used to produce and/or process foods and beverages on site, without being fully automated*". If the definition were to proceed to an amendment to the Standard Instrument it should be amended to clarify this.

It is considered that there needs to be further clarification to ensure that some forms of artisan premises (i.e. micro-breweries) are not being primarily used as defacto 'small bars' or 'pubs'. I note that this view is consistent with the submission by North Sydney Council. This is of particular concern in Mosman as *pubs* are specifically prohibited in our B1 zone.

2. Garden centres

The main changes to the current definition include the removal of the need for a *garden centre* to be for the sale of plants and landscaping and gardening supplies, and instead it can be for one or the other. There is considerable overlap and therefore potential confusion and ambiguity between this definition and those for *landscaping material supplies* and *plant nurseries*. It is recommended that the Department undertake some analysis on the potential impacts of this change.

3. Local distribution premises

The proposed definition of *local distribution premises* is very similar to the current definition of *warehouse or distribution centre* (means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made).

It is considered that the Department should look at other ways that the local character of distribution could be considered (eg a size limitation on the facility) - if it were necessary. Using a slight definitional change seems unnecessary.

4. Neighbourhood supermarkets

This is another example of an unnecessary new definition. In Mosman, shops and other retail premises are permissible in the B1 and B2 zones. The introduction of this definition adds another level of complexity.

The suggested size of 1,500 square metres is not supported for the following reasons:

- This would be quite a large supermarket, not really neighbourhood in scale, and therefore at odds with the objectives of the B1 zone, in particular:

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.

- It is inconsistent with the Sydney Region and the North District Plans where 1,000 square metres is considered to be a neighbourhood supermarket. The inconsistencies in the planning system are part of the reason it is so confusing and Government policy appears ill-informed.
- There is no evidence provided that the size is suitable for small local neighbourhood centres.

In conclusion, the following additional points are made:

- It is considered that it is overly complicated to include new terms in land use tables where uses are already permitted by virtue of the parent term;
- Reconciliation of land use terms in the SI Dictionary is needed. There are inconsistencies and overlaps between definitions and introducing more would add to the confusion. Mosman LEP2012 has 297 definitions, plus these three new ones stemming from the Medium Density Code. Our previous LEP (Mosman LEP1998) had only 85 definitions. The SI was supposed to simplify the planning system and it is not doing that;
- This proposal represents a heavy handed approach when a more flexible, responsive planning system would look at how local plans already deal with these issues and amend LEPs consistent with this approach. For example, if B1 Neighbourhood Centres already permit retail premises there is no need to further clutter the land use table with additional terms like

neighbourhood supermarket. Any strategies councils may have to keep their LEPs as straight forward as possible are thwarted by the State's apparent obsession with introducing new definitions.

Please note that due to the schedule of Council meeting dates and the closing date for submissions this letter has not yet been the subject of a report to Council. If you require any further information please contact Linda Kelly, Manager Urban Planning on 9978 4041.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'L Kelly', written in a cursive style.

Linda Kelly
MANAGER URBAN PLANNING