

18 May 2018

Ms Alison Frame  
Deputy Secretary  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 20001  
By email: [alison.frame@planning.nsw.gov.au](mailto:alison.frame@planning.nsw.gov.au)

**RESPONSE TO PROPOSE AMENDMENTS TO THE STANDARD INSTRUMENT LEP (better planning for the NSW retail sector) – definition of Garden Centre**

Dear Ms Frame,

The Nursery & Garden Industry of NSW & ACT (NGINA) is the peak representative body for the nursery and garden industry in NSW and the ACT. The NGINA aims to ensure the strong growth of the gardening industry and the profitability and professionalism of our members through promotion, representation, education and communication.

The diversity, uniqueness and significance of the Nursery and Garden Industry should not be underestimated. It is a multi-billion dollar industry that plays a vital part in the human, environmental and economic well-being of Australia.

The key roles of NGINA is to:

- inform members on all matters relating to the industry
- assist businesses achieve compliance
- offer advice in sustainable management to its members and
- protect the industries NGINA's members supply with the products and services we offer.

Membership of NGINA is voluntary and this is of particular significance when you consider the distribution, type and representation of businesses, which comprise the nursery and garden industry across NSW and the ACT.

It is pleasing that NSW is responding to the changes in retailing. It is also pleasing to learn of a NSW Retail Strategy is being developed.

Given the NSW Local Environment Plan (LEP) is a State Plan, our submission request each local government apply the LEP and proposed definition consistently across the local government sectors and be cognisant of the variations to the size, type and style of a garden centre. Consideration of the variation between a garden centre and hardware chainstores which have ancillary garden centres is requested to allow garden centres to meet consumer needs.

The planting of greenlife made possible by the landscape supply sector contributes to the nutritional, physical and mental health, economic and environmental well-being of NSW.

Garden centres play a particularly important role in ensuring that the community and environment benefit from private and public gardens and green spaces. To support the health of the environment and community it is essential to support a growing and prosperous industry of garden centres within NSW.

Existing and new garden centres should have the opportunity to modify the business to meet the changes in retailing and consumer trends and not be impaired by planning laws and development control plans which may be at conflict.

With the current LEP, NGINA members have found that the definition of 'garden centres' and definition of a 'plant nursery' in that planning document does not readily allow the type of retail premises that the modern-day consumer demands.

The current definition of a garden centre is:

**'Garden centre'** means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas;
- (b) pets and pet supplies;
- (c) fresh produce.'

The definition rightly embraces the different product ranges and services that would form part of a modern retail garden centre, ie restaurant/café, fresh produce, outdoor furniture, etc. However, these things are only able to be included in a store if they are ancillary to the retail sale of plants, landscaping and gardening supplies.

The current definition of a plant nursery is:

**'Plant nursery'** means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

**Note.** Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary

The experience of our members tells us that there is a great deal of uncertainty as to what is ancillary for any given proposal. It seems that our members and local councils in NSW are all given conflicting advice by their legal and planning consultants and may not take advice from the NGINA to better understand the proposal within the Development Application.

To reduce the interpretation by an individual, the NGINA support removal of 'if ancillary to' be replaced by the words 'complementary uses' within the document.

This change will reduce the confusion, allow for adaptability and certainty by allowing for changes to retailing to support a buoyant garden centre industry. It will ensure that the principal purpose of any garden centre premises must still be the retail sale of plants and landscaping and gardening supplies and equipment. However, it also allows the presence of other products and services that would complement and support that principal purpose.

The NGINA support the changes to the proposed definition and to support this across all local LEP plans within NSW.

There is a need for a much stronger garden centre presence in urban NSW. We trust and hope that the NSW Government (via your Department) will move quickly to address this important issue.

Please advise if you require any further information or have any questions. I can be contacted on 0400 010 049.

Yours faithfully



Michael Danelon  
Business Technical Support Officer