

18 May 2018

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

Dear Sir/Madam

Proposed Amendments to Retail Land Use Definitions under the Standard Instrument LEP

Thank you for the opportunity to comment on proposed amendments to retail land use definitions under the Standard Instrument Local Environmental Plan (LEP).

It is noted that the Department of Environment and Planning (DP&E) is developing a NSW Retail Strategy to establish a planning framework in response to substantial changes in the retail sector and that the following initial amendments are proposed to retail land use definitions under the Standard Instrument LEP to respond to known impediments to retail sector changes:

- new definitions for “artisan premises”, “local distribution premises”, “neighbourhood supermarkets”
- an amended definition for “garden centres”
- an amended definition for “bulky goods premises” to be known as “specialised retail premises”.

A review of the above proposed amendments to land use definitions has been carried out having regard to Council’s land use strategies. This letter is provided as Council’s submission in response.

Changes to Land Use Terms and the Land Use Matrix

In the preparation and amendment of land use tables under Council’s LEP, the requirement for prohibition based land use tables as opposed to permissibility based land use tables is problematic. Council has sought prohibition based land use tables (i.e. everything that is not listed as permitted with consent is prohibited) for its business and industrial zones. However, Council has been directed by the DP&E to draft permissibility based land use tables (i.e. everything that is not listed as prohibited is permitted with consent). Given the use of Group Land Use Terms and Sub-group Land Use Terms in the Standard Instrument LEP, this has resulted in land use tables that are complicated to read, unnecessarily complex for the industry and the community as well as for planning authorities.

Should any amendments to the Standard Local Environmental Plan (LEP) Order be made to include new or amended land use definitions, corresponding updates should be implemented to the Land Use Matrix for all Councils as relevant. Despite the introduction of a number of new land use definitions since the release of the last land use matrix, the matrix has not been updated. Council cannot update same as it is locked. Accordingly, it is recommended the DP&E release a revised and unlocked Land Use Matrix on its website for download to enable councils to reference their current land use strategy within the Land Use Matrix.

Proposed change from “Bulky Goods Premises” and “Specialised Retail Premises”

It is noted the a replacement definition for “bulky goods premises” will provide expansion of that definition to identify particular categories of goods to better reflect contemporary large format retailing, whilst still restricting the sale of items such as food, clothing and footwear.

Council and the community has experienced issues with the definition of “bulky goods premises”, and its relationship with the definitions of “warehouse or distribution centre” and “shop”. For example, Council’s Development Assessment Officers are aware of owners of premises finding it difficult to secure tenants in otherwise suitable premises due to the limitations of the current “bulky goods premises” definition and the lack of clarity with respect to definitions of “warehouse or distribution centre”. Council’s Compliance Officers have initiated compliance actions in relation to “bulky goods premises” technically also operating as “shops”. The proposed broader definition is therefore supported to reduce ambiguity and achieve a positive outcome for land use planning, Council compliance matters and the broader community.

The proposed change in name from “bulky goods premises” to “specialised retail premises” will have implications with respect to development consents and existing uses. This further reinforces the need for updated Land Use Matrix tables to be released for consistency and clarity at every change in land use definition.

Should you require further information or clarification on any matters raised in this submission, please contact Council’s Strategic Planner, Melissa Burne on 9847 6767.

Yours faithfully



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