

29 March 2011

Ms Christine Underwood
Regulation Benchmark Study:
Planning, Zoning and Development Assessments
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601

Dear Christine,

Planning, Zoning & Development Assessments Benchmark Study: Submission on behalf of Yum! Restaurants International

INTRODUCTION

This submission has been prepared by Urbis on behalf of Yum! Restaurants International ("Yum!").

Yum! Brands, Inc. is the world's largest restaurant company in terms of system restaurants with nearly 38,000 restaurants in over 110 countries and territories and more than 1 million associates. Yum! is ranked #216 on the Fortune 500 List and generated more than \$11 billion in revenue in 2010. The Company's brands - KFC, Pizza Hut and Taco Bell – are the global leaders of the chicken, pizza and Mexican-style food categories.

In Australia Yum! Restaurants International owns the KFC and Pizza Hut brands. Yum! is a major player in the Australian quick-serve industry, contributing the following to the retail economy:

- 605 stores nationally
- Approximately 27,000 employees
- Total business turnover \$1.4bn per annum

Yum! employs people of all ages and backgrounds. Many staff (such as working parents and students) enjoy flexible shift arrangements. The company has highly successful corporate mentoring scheme and career development and most of the leadership team started their career at a KFC store.

With an extensive roll-out programme, aiming for 25 new sites across Australia per annum, Yum! operates within the planning controls in all Australian states and territories on a daily basis and is therefore pleased to contribute to this benchmark study through sharing some of the company's experiences of the planning process, both positive and negative.

The draft Performance Benchmarking report contained only a single reference to the fast food / quick serve industry, therefore the focus of this submission is:

- To highlight the value of the Quick-Service Industry to the retail sector, economy and workforce;
- To highlight the project risks and economic impacts experienced by Yum! through the planning process and through the use of some of its controls. The New South Wales system is used as a case in point, with specific reference to:

- Project delay and uncertainty;
- Restriction of competition;
- Impediments to the ability to deliver the Yum! business model; and

Each of these matters is discussed in more detail below.

Yum! hopes that the information and examples contained with this submission can benefit the Productivity Commission review by highlighting ways in which current planning controls affect business compliance costs, competition and the overall efficiency and effectiveness of the functioning of cities. The NSW examples cited, are issues that would benefit from further refinement with the NSW Government, as well as benchmarking against examples in other states and territories to identify alternative approaches and best practice.

THE QUICK SERVICE INDUSTRY WITHIN THE RETAIL SECTOR

Yum! Restaurants are part of the quick serve industry which is a major component of the retail sector including other national and internationally recognised brands such as McDonald's, Hungry Jacks, Subway and Red Rooster. The quick-serve industry caters to a range of customers who share three fundamental requirements. That is they want food, they are on the move and they are in a hurry. Quick-serve customers want the ability to get in and out quick. This will not happen unless there are convenient locations with appropriate access.

KFC uses a labour intensive model that employs approximately 45 people per store. This is quite high in comparison to most other retail enterprises.

Yum! Restaurants typically comprise two types:

- In-line stores which occupy tenancies within shopping centres and shopping strips; and
- Freestanding stores (also often referred to as 'pad sites') which typically provide a stand-alone restaurant (usually around 400m²) and at-grade car parking with a typical site area of 2000m² overall.

Freestanding stores aim to provide fast and convenient access for car-based customers in areas of significant passing trade. They provide both drive-through and eat-in components and have been a mainstay of the Australian retail environment for many years.

Yum! is committed to a continued national roll-out of both its in-line and freestanding stores.

While the freestanding stores exist in core or 'town centre' locations, and, these locations will continue to be examined from a growth perspective, freestanding stores are ideally suited to non-core locations with high levels of accessibility. We note the following key locational characteristics of these businesses:

- Freestanding stores rely on safe and convenient access (they are to a significant degree dependant on vehicle access to attract passing trade) from regional road links. Where freestanding stores are located on busy roads their regular customers will pass these locations as they come to or from, or pass through the local area. These locations are generally conducive to convenient access for customers as well as servicing by delivery vehicles without adversely impacting sensitive land uses.

- Freestanding stores require land with the appropriate size and physical characteristics to accommodate the scale and nature of this form of development. This typically includes: car parking, service delivery loading space, drive-through facility, playground area, and the restaurant itself.

Accordingly, free standing stores are ideally suited to non-core business and employment areas, or principally the busy road approaches to core business areas, due to their dependence on vehicular access and other physical requirements.

THE PLANNING SYSTEM: RISK, UNCERTAINTY AND ECONOMIC IMPACTS: THE NEW SOUTH WALES EXPERIENCE

Yum's experience of the different planning systems within Australia varies between its in-line store and freestanding store operations. In the main, in-line stores encounter fewer issues, as they typically have the same operational requirements as any other restaurant and therefore fit comfortably within the relevant state and territory planning strategies and controls for urban development.

Conversely, proposals to operate new freestanding stores often encounter a range of complex planning issues which can result in a lack of available sites, excessive development costs and timing delays. This submission focuses on the difficulties and impacts associated with the free standing store scenario.

Yum! acknowledges that freestanding stores do present more challenging planning issues than in-line stores, it is nevertheless discouraging that impacts and barriers continue to be confronted, especially when considering that drive-in restaurants are not a new phenomenon, rather they are an established part of the Australian retail environment.

The different planning systems across Australia each provide their own unique challenges, and it is clear there would be significant efficiencies associated with a unified planning process. It is New South Wales however which best highlights some of the more entrenched planning problems encountered by the quick serve industry in establishing new freestanding restaurants.

The NSW planning system currently poses a number of constraints for Yum! in trying to roll out its expansion program. These may be summarised as:

- Lack of appropriately zoned sites being put forward during the planning of urban release areas;
- The apparent drive towards new-urbanism and transit oriented development in centres planning policy tends to marginalise the opportunity for freestanding stores to locate within non-core locations that best respond to their commercial drivers.
- Inconsistent approach to zoning and permissibility across NSW which has not been addressed in the adoption of the Standard LEP template and continue to create uncertainty.
- Use of various additional controls and clauses (ie further overlays to zoning), most notably floor space-limiting clauses which restrict the ability to locate new stores within appropriately zoned locations with some being anti-competitive in their nature.

Each of these matters is discussed in more detail below:

The Strategic Planning Process

In New South Wales, current planning policy is firmly focused on concentrating retail and commercial development within the established retail centres hierarchy, and also on establishing new centres

within urban growth areas by creating 'centre' zones around future public transport nodes. Whilst this is a logical approach to concentrating 'traditional' retail and commercial uses, it can be problematic for the quick serve industry participants for a number of reasons:

- The nature of freestanding stores, being ideally suited to non-core business locations, does not fit neatly into the NSW Department of Planning (DoP) approach of clustering retail uses within a concentrated zone. As such, there is a risk of consent authorities failing to identify appropriate roadside locations and zonings in new release areas to accommodate such uses.
- Similarly, in allocating land to be zoned to accommodate new centres there is a risk that consent authorities do not identify sufficient land to accommodate pad sites for quick serve premises as part of new retail developments.

The NSW Government has recently commenced the planning and release of various precincts within the north-west and south-west 'growth centres' of Sydney that will be the centrepiece for accommodating Sydney's projected population over the next 25 years. Whilst the precinct planning and zoning process makes provision for retail development within new 'centres', Yum! is concerned the emerging planning controls are unduly restrictive towards the quick serve industry. Specifically, the following concerns are noted:

- There is a lack of appropriately zoned sites adjacent to the planned main roads within the Growth Centres. These locations have traditionally been, and continue to be the optimal locations for the quick serve industry as they are the most convenient for the customer.
- The zoning plans for the Growth Centres identify a B5 Business Development Zone at Marsden Park along Richmond Road in which "take away food and drink premises is specifically listed as a Schedule 1 additional permitted use". This is a primary corridor near the M7 orbital exit and at the gateway to both future employment and housing precinct. It is a location where (perhaps over other main road locations) it could be entirely appropriate from a land-use planning sense to allow for a freestanding restaurant. However this definition provides no certainty for the quick serve industry as it requires predominance for 'take-away' service, and is that therefore at odds with the Yum! business model where both the eat-in and take-away components are essential. It would seem illogical that a freestanding restaurant in this location may be restricted in terms of its restaurant seating (Refer Attachment A).

In addition to the above, the amount of land that is being zoned for centre uses, combined with clauses that limit the scale of retail and commercial development within each zone, has the potential to restrict quick serve operators in securing pad sites within emerging centres, as the highest and best use analysis is likely to preclude this form of development. For instance, the Growth Centres SEPP includes a number of floor space caps that apply to a whole zone, notably:

- *The total gross floor area used for the purposes of business, office and retail premises on all land in Zone B1 Neighbourhood Centre must not exceed 4,000 square metres, and in Zone B2 Local Centre must not exceed 15,000 square metres.*
- *The total gross floor area used for the purpose of shops (including neighbourhood shops) on all land within Zone B7 Business Park must not exceed 3,500 square metres*
- *The total gross floor area used for shops (other than premises for the retail of office supplies) in a particular development for that purpose on land within Zone B7 Business Park must not exceed 500 square metres.*

As car patronage is likely to remain high within Greenfield areas there is still a clear role for freestanding quick serve restaurants as part of an overall retail and dining offer within these areas.

With a target to accommodate an additional 500,000 new residents over the next 25 years, the north-west and south-west growth centres could accommodate 20 new free-standing Yum! restaurants respectively, based on metropolitan Sydney averages of one store per 25,000 person. Based on the evidence to date, the precinct planning and rezoning process in the growth centres is unlikely to provide sufficient zoned land for this rate of development to occur, meaning that Yum's planned roll-out of new stores may be constrained, as will the public's choice of convenient dining options. The opportunity cost to Yum! equates to approximately \$2.6m per annum per unsecured site, based on the average annual turnover of stores.

Yum! is also concerned that the implementation of the draft Centres policy (which is largely silent on the subject of the quick serve industry) together with support for 'new urbanism' models of centre development (demonstrated at Rouse Hill) have the potential to squeeze density and land values within centres such that the viability of new pad sites will be in doubt. Yum! is confident that the freestanding quick serve model can be incorporated into emerging new centre design, but it will be essential that sufficient adequately zoned land is provided to enable this to occur.

Yum! believes that this inadequate planning of new release areas is in part due to a lack of understanding from the relevant planning authorities on the role and function of the quick serve industry, and Yum! is therefore committed to engaging with the new State Government in NSW to reinforce the need for the inclusion of adequate zoning provisions within Greenfield release areas to allow for the quick serve industry to participate in an important geographic market segment. Having said this, the Productivity Commission identification of this issue through its benchmarking report is welcomed in advancing this case.

Outside of NSW there are also particular difficulties associated with the planning controls relating to the inclusion of quick serve restaurants as part of *highway service centres*.

Both Western Australia and Queensland permit the inclusion of quick serve restaurants within highway service centres, but only where they do not contain a drive through component, instead providing a seated restaurant. The rationale for this approach is a seated restaurant provides the opportunity for rest breaks which reduce driver fatigue. This however presupposes that all visiting customers are in the middle of a large journey and need to take a break. In reality, a number of these centres are located within close proximity to major employment areas (such as Perth and Brisbane CBDs) with a high degree of passing trade from commuters making relatively short journeys. The inability for these quick serve restaurants to provide a drive in service is a significant barrier to trade and does not accord with the requirements of the customers.

The assumption that seating provision, rather than drive through facilities, is necessary to reduce driver fatigue accidents is not borne out by an Urbis study¹ in Victoria which found that drive-thru facilities in conjunction with a highway service centre can also induce increased stops by drivers. Surveys undertaken as part of the study indicated an underlying demand for non-dining facilities, with drivers stopping less often if the restaurants as part of the highway service centre did not provide drive-thru facilities. The Urbis research concluded that the addition of drive-thru facilities could be expected to increase the number of long-distance drivers stopping by about 10%. These customers may not have stopped in the absence of drive thru facilities. This was supported in a VCAT decision² where Professor Narelle Haworth noted:

"drive-through facilities at a Freeway Service Centre are likely to assist in reducing driver fatigue, as part of a range of options available to drivers"

¹ Lovely Banks Economic Impact Assessment, prepared for Bredix Pty Ltd, June 2009

² VCAT REFERENCE NO. P3318/2008 PERMIT APPLICATION NO. 954/2008

The highway services example again highlights variations in planning controls across States and territories, in an area that would clearly benefit from a uniform approach to planning.

Lack of consistency with definitions and permissibility within LEPs

The lack of consistency with zoning and definitions causes problems for a number of national and international businesses operating country-wide. This is also the case for Yum!, however even at a state level, NSW offers an example of how planning controls can be applied and implemented on an inconsistent basis.

In NSW the Standard Instrument (Local Environmental Plans) Order 2006 or 'Standard LEP Template' provides a template for all new LEP's.

Together with a reduction and standardisation of zones across NSW, the Standard LEP Template aims to realise the objectives and targets prescribed by the sub-regional strategies. Each LEP is required to adopt the Standard LEP Template over time. Previously in NSW there had been no standardisation of planning controls from one LGA to another. To date, most Council's that have adopted the Standard LEP Template have largely translated existing zonings in the Standard LEP 'equivalent zoning' rather than carry out a full strategic review of land use. This has meant a translation of 'business to business' zones or 'residential to residential' and the like.

This Standard Template LEP represents the legislative framework for the preparation of LEPs in the state. It is therefore vitally important that it is prepared in a manner that, when interpreted and implemented by local Councils, it does not compromise key industry participants such as Yum!

Several key concerns have emerged at the preparation of the Standard Template LEP (and its implementation at the local level) in respect to the current and future growth aspirations for Yum! These include:

- The use of multiple definitions that do not accurately describe the model used by Yum! (nor other participants in the quick serve industry) which has, in turn, resulted in
 - the reduction of available zones where freestanding stores can be located
 - general uncertainty in respect to business investment in key geographic locations
- The question of whether it is appropriate from a land-use planning sense to distinguish between a restaurant that predominantly provides for 'eat-in' customers, or alternately 'take-away' customers.

In the first instance there is a lack of certainty as to which definition is meant to cover a freestanding quick serve restaurants. Under the Standard LEP Template, a Yum! freestanding restaurant containing a drive-thru function could comfortably be categorised under the broader 'umbrella' definition of 'retail premises'. However, this definition in itself incorporates a number of other defined terms which Council's can elect to exclude in certain zones. 'Food and drink' premises is another definition (contained under the broader 'retail premises' definition) within which a Yum! freestanding restaurant could also be categorised, however this term is further comprised of two separately defined terms where various Councils can (and have) made distinctions as to what type of food and drink premises are permitted in certain zones and what are not. The following definitions illustrate this issue further:

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) *bulky goods premises*,
- (b) *cellar door premises*,

- (c) **food and drink premises** (our emphasis added),
 - (d) garden centres,
 - (e) hardware and building supplies,
 - (f) kiosks,
 - (g) landscaping material supplies,
 - (h) markets,
 - (i) plant nurseries,
 - (j) roadside stalls,
 - (k) rural supplies,
 - (l) shops,
 - (m) timber yards,
 - (n) vehicle sales or hire premises,
- but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

As the free standing Yum! restaurant model contains both an integral eat-in 'restaurant' component, as well as a 'take-away' component, the model does not squarely fit within either the 'restaurant' or 'take away food and drink premises' definition, rather it is best captured by the combined definition of the two being a 'food and drink premises'. This has important implications as discussed below.

The Standard Template LEP operates in a manner where certain uses are listed as mandatory permitted uses within certain zones, and certain other uses are listed as mandatory prohibited uses. Those uses that are neither listed as 'mandatory permitted' or 'mandatory prohibited' are uses where local Councils have the discretion to list them in the manner they see fit. In the case of the range of

uses listed above, none of these uses are nominated as mandatory permitted or mandatory prohibited under the Standard Template LEP- therefore the zoning of quick serve restaurants such as Yum! Restaurants are ultimately at the discretion of the elected Councils across all zones and across all Council areas across NSW- whether considered as part of a comprehensive LEP, or an amending LEP ('spot rezoning'). Further, Councils can elect (if they wish to do so) to nominate one type of food and drink premises as being permissible in a zone, while prohibiting the other. This has been previously evidenced in the case of the B5 Business Development zoning along Richmond Road at Marsden Park.

The above provides great uncertainty as the decision made can often be based on political grounds rather than technical grounds. Further, once a zoning decision has been made, there is no scope for variation through the DA process and no appeal rights offered. It therefore becomes an uncertain, lengthy and costly process of advancing a site-specific rezoning to an LEP

A review of the mandatory zone objectives for each of the Business Zones in the Standard Template LEP reveals that none of the B1-B7 business zones contains objectives that expressly support the development of free standing quick serve restaurants on main road sites. The closest supportive objectives are found in the B6 Enterprise Corridor Zones which include:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*

Urbis has conducted a review of the LEPs that have been prepared under the Standard Template LEP as well as those that are certified for public exhibition under the Standard Template LEP and that are progressing toward gazettal. This review was undertaken to understand any trends in respect to the permissibility of Yum! freestanding stores (refer to Attachment B):

Key trends included:

- All Councils have elected to include the freestanding store concept as a permissible use within all gazetted and certified LEPs for the B2, B3, B4 zones either through defining it as a 'food and drink premises' or 'retail premises'.
- All (but one) Councils have elected to include the freestanding store concept as a permissible use within all gazetted and certified LEPs for the B6 Enterprise Corridor zone (with the only exception of Wollongong)
- All (but two) Councils have elected to include the freestanding store concept as a permissible use within all gazetted and certified LEPs for the B5 Business Development zone (with exceptions being Willoughby and Newcastle, it being noted that Willoughby permit 'restaurants' within the B6 zone)
- There is close correlation between the permissibility of 'food and drink premises' and 'restaurants', the exceptions being contained within certain zones relating to Lane Cove LEP 2009, North Sydney (Draft) LEP 2009 and Willoughby (Draft) LEP 2009.
- Variation exists amongst Councils in respect to their classification the freestanding store concept as permitted or prohibited uses within the B1 Neighbourhood zonings as well as the B7 Business Park zone and range of industrial zones listed under the Standard Template LEP

- Of all Councils, Willoughby Council is particularly restrictive in terms of allowing opportunities for the quick service industry, only allowing these uses as permissible uses within their B2, B3 and B4 zones.

Given the results of the above, it would seem logical for the NSW Department of Planning to consider the following in the pursuit of providing greater certainty in the planning process for the quick serve industry as well as stimulating greater competition.

- As there is close correlation between the permissibility of 'food and drink premises' and 'restaurants', there appears no logical planning reason why the two should be split (indeed any perceived impacts arising from the two could be addressed as part of a merits-assessment). Accordingly, separate definitions are not necessary.
- Include 'food and drink premises' (and the subsets of food and drink premises, namely 'take-away food premises' and 'restaurants') as mandatory permitted uses within the B2, B3, B4, B5 and B6 zones.
- Specifically encourage Council to consider the size, catchment and road characteristics within industrial zonings as part of their decision making process of determining whether 'food and drink premises' ought to be identified as a mandatory permitted within such zones (or within parts of such zones).

In addition to the issue of land-use zoning, we are aware of a number of instances where additional clauses or restrictions are included within LEPs that have the affect of reducing potential possibilities for freestanding stores, compromising the established model associated with Yum!, or otherwise adding to the time and/or cost associated with gaining approval. Some of these clauses are summarised in the attached table (Refer Appendix C). Further discussion of these and other clauses are provided below:

These additional overlay clauses are in addition to the zoning of the site, and in most cases have a prohibitive affect. They include:

- Floor space caps

The inclusion of floor space caps resulting in restaurants of a given size being a prohibited use in a zone. A brief overview of current LEPs reveals a number of similar clauses including the following:

Food and drink premises will not be granted consent in Zone B1 Neighbourhood Centre if the gross floor area is more than 300 sq.m; (Liverpool LEP 2008)

A restaurant or take away food and drink premises will not be granted consent on land in Zone IN1 General Industrial or IN2 Light Industrial if the gross floor area is more than 200 square metres. (Liverpool LEP 2008)

Each of the examples highlight that a Yum freestanding restaurant (and potentially other chains), requiring at least 450sqm of gross floor area, would be unable to be located within either of these zones. This cap seems to specifically exclude the quick service industry from the market and provides no ability to advance a merits-based argument having regard to the geographic size of each of the zones, their locations in respect to main roads or the population/worker catchment of the area in which they serve.

- Exclusion of a drive-through service

Sutherland LEP 2006 includes the following definitions:

***‘food shop’** is a building or place having its principle purpose the preparation and retail of food or refreshments for consumption off the premises and does not involve a drive-through service*

***‘Restaurant’** means a building or place having as its principal purpose the provision of retail for food consumption on the premises, but does not include a nightclub*

The combination of these definitions means that a freestanding store is prohibited within several zones. The food shop definition is particularly relevant as it specifically excludes consideration of a drive-through service which is an essential component of the Yum! Freestanding model (together with other chains within the quick serve industry). This has the affect of marginalising several key players within the market and is ant-competitive in its nature.

- RTA Involvement in the DA Approval Process

This matter deals with the role the RTA plays in the DA approvals process. This is of significant concern to Yum! as direct, safe and convenient access from major roads is a key commercial driver for the establishment or upgrading of its freestanding stores.

In a number of cases, Yum! have advised that the while the RTA had no formal concurrence role in the approval process (in the examples they cited), the respective Council nevertheless referred the matter to the RTA for comment and (notwithstanding their own views) Councils adopted the position of the RTA as part of the approval process. In other words, even though the Council (as the consent authority) may be satisfied in respect of the access issue, consent will not be granted on the basis of the RTA’s non-statutory comments. This has occurred most recently in a matter at Albion Park (Wollongong Council).

Given that the intent of the standard LEP was to simplify the planning process in NSW it is disappointing that the controls for a major industry sector such as the quick serve industry remains ambiguous uncertain and potentially restricted. In fact, the absence of ‘food and drink premises’ as a mandatory permissible use within centre zones has the potential for consent authorities to make arbitrary decisions on whether new freestanding store should be allowed in a certain area. This can lead to decisions being made on non-planning grounds, such as the perceived economic impacts on individual restaurant operators, which should be avoided.

CONCLUSION

The quick serve industry is a major component of the Australian retail sector and Yum! Restaurants alone contributes 605 stores nationally, with approximately 27,000 employees and total business turnover \$1.4bn per annum.

Yum! is committed to a continued national roll-out of both its in-line and freestanding stores and whilst it acknowledges that freestanding stores present some challenging planning issues, it is discouraging that impacts and barriers continue to confronted, especially considering that they are an established part of the Australian retail sector.

Using NSW as an example, the planning system poses a number of constraints for Yum! in trying to roll out its expansion program, including:

- Lack of appropriately zoned sites being put forward during the planning of urban release areas;
- New-urbanism and transit oriented development in centres planning policy tends to marginalise the opportunity for freestanding stores to locate within non-core locations that best respond to their commercial drivers.

- Inconsistent approach to zoning and permissibility; and
- Use of various additional controls and clauses (ie further overlays to zoning), which restrict the ability to locate new stores within appropriately zoned locations.

Yum! remains confident that the freestanding quick serve model has an important role to play in the development of new centres, both within existing urban areas and in the growth centres, however, it will be essential that sufficient adequately zoned land and unambiguous planning controls are provided to enable this to occur.

Yum! hopes that the information and examples from NSW contained with this submission can benefit the Productivity Commission review by highlighting ways in which current planning controls affect business compliance costs, and impact on competition within the quick serve restaurant sector.

Yours sincerely,

Peter Strudwick
Director

Attachment A – Example of take away food and drink premises
specifically directed to B5 hatched area
(Marsden Park Industrial Precinct)



Planning

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

North West Growth Centre Land Zoning Map - sheet LZN_005

LEGEND

Zone

B1	Neighbourhood Centre	IN1	General Industrial
B2	Local Centre	IN2	Light Industrial
B4	Mixed Use	R1	General Residential
B5	Business Development	R2	Low Density Residential
B7	Business Park	R3	Medium Density Residential
E2	Environmental Conservation	RE1	Public Recreation
E3	Environmental Management	RE2	Private Recreation
E4	Environmental Living	SP2	Infrastructure

Special Provisions

- Low Density Residential (multi-dwelling housing) - Appendix 4, clause 2.5
- Riverstone Scheduled Lands - Appendix 4, clause 6.8
- Green & Golden Bell Frog Habitat - Appendix 4, clause 6.9
- Additional Uses - Appendix 3, Clause 6.5
- Additional permitted uses. (Clause 13)
- Take away food and drink premises permitted with consent Appendix 5, (Schedule 1, Clause 1)

Original SEPP Zones

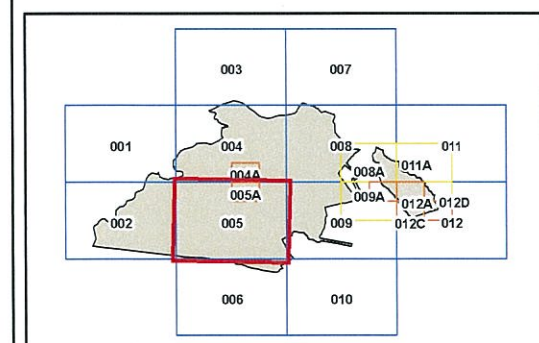
- Environmental Conservation
- Public Recreation - Regional

Growth Centres Boundaries

- North West Growth Centre Boundary
- North West Growth Centre Precinct Boundary

Cadastre

- Cadastre 01/07/10 © Dept of Lands

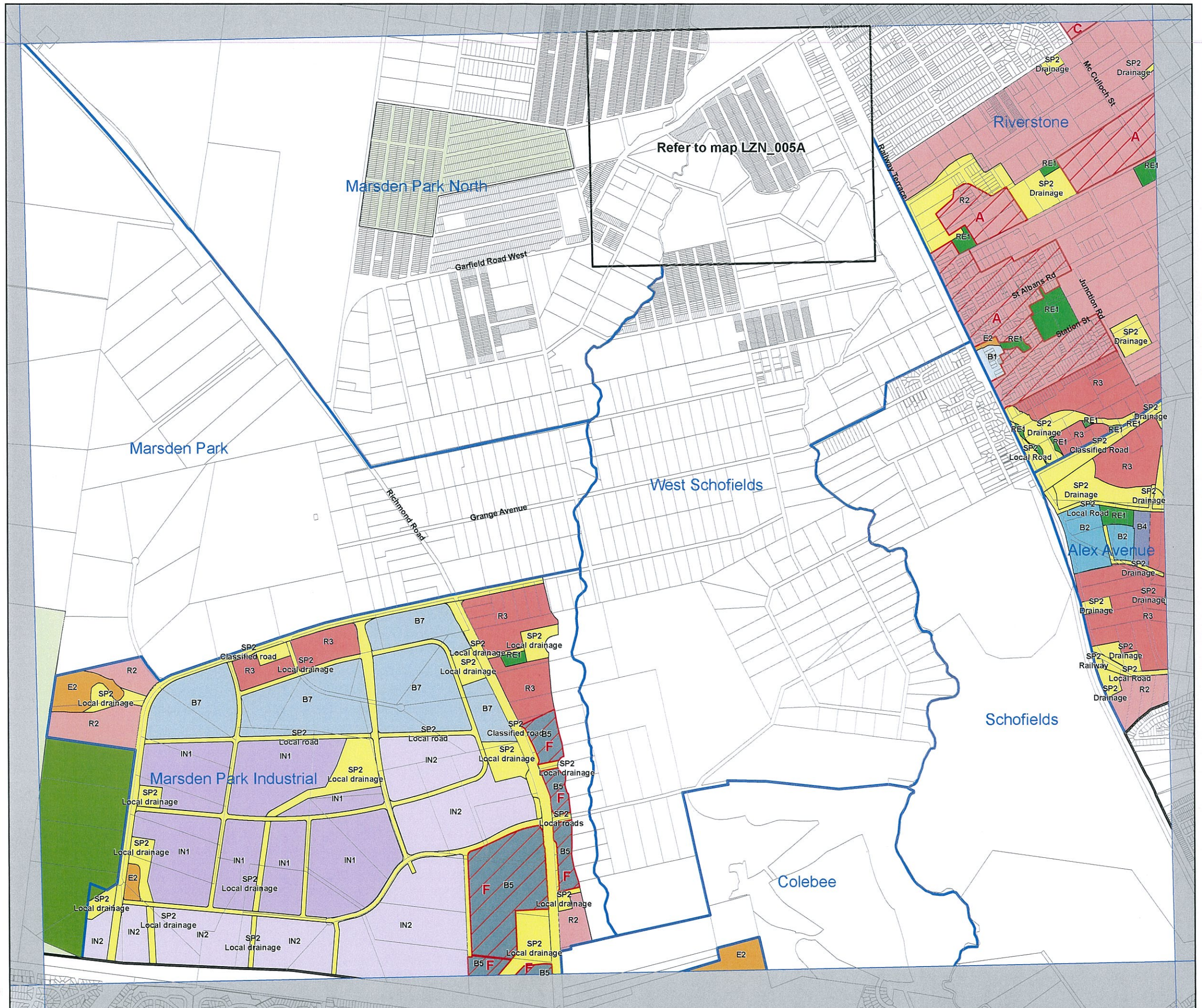


0 0.1 0.2 0.3 0.4 Kilometres

Scale: 1:20,000 @ A3

Projection: GDA 1994
Zone 56

Map Identification Number
SEPP SRGC NW LZN 005 020 20100804



Attachment B – Permissibility of Food and Drink Premises

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URBIS

Australia Asia Middle East

KEY	
CD	Council Discretion
✓	Permissible with Consent
✕	Prohibited
-	Zone not within LEP
F&D	Food & drink premises
Rest.	Restaurant
■	Permissible by virtue of retail premises or food and drink premises definition

HIGH LEVEL REVIEW OF PERMITTED USES - GAZETTED LOCAL ENVIRONMENTAL PLANS

Zone	B1 Neighbourhood Centre		B2 Local Centre		B3 Commercial Core		B4 Mixed Use		B5 Business Development		B6 Enterprise Corridor		B7 Business Park		IN1 General Industrial		IN2 Light Industrial		IN3 Heavy Industrial	
	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.
STANDARD LEP	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD	CD
Lane Cove LEP 2009	✕	✓	■	■	■	■	■	■	-	-	-	-	-	-	-	-	✓	✕	-	-
Wollongong LEP 2009	■	■	■	■	■	■	■	■	-	-	✕	✕	✕	✕	✕	✕	✕	✕	✕	✕
Wagga Wagga LEP 2010	✓	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	-	✓	✓	✓	✓	-	-
Canada Bay LEP 2008	■	■	-	-	■	■	■	■	-	-	■	■	✓	■	✕	✕	-	-	-	-
Camden LEP 2010	✓	✓	✓	✓	-	-	✓	✓	✓	✓	-	-	-	-	✓	✓	✓	✓	-	-
Wingecarribee LEP 2010	✓	✓	✓	✓	-	-	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	✓	✓
Auburn LEP 2010	✓	✓	✓	✓	-	-	✓	✓	-	-	✓	✓	✓	✓	✓	✓	✓	✓	-	-
Wollondilly LEP 2011	✓	✓	✓	✓	-	-	✓	✓	-	-	-	-	-	-	-	-	✓	✓	✓	✓
Port Macquarie-Hastings LEP 2011	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	✓	✓

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URBIS

Australia Asia Middle East

KEY	
✓	Permissible with Consent
x	Prohibited
-	Zone not within LEP
F&D	Food & drink premises
Rest.	Restaurant
■	Permissible by virtue of retail premises or food and drink premises definition

HIGH LEVEL REVIEW OF PERMITTED USES - DRAFT CERTIFIED LOCAL ENVIRONMENTAL PLANS

Zone	B1 Neighbourhood Centre		B2 Local Centre		B3 Commercial Core		B4 Mixed Use		B5 Business Development		B6 Enterprise Corridor		B7 Business Park		IN1 General Industrial		IN2 Light Industrial		IN3 Heavy Industrial	
	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.	F&D	Rest.
North Sydney LEP 2009	x	✓	-	-	✓	x	✓	x	-	-	-	-	-	-	x	x	-	-	-	-
City Plan LEP 2011	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Warringah LEP 2009	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	-	-
Willoughby LEP 2009	x	✓	■	■	■	■	■	■	x	✓	-	-	x	x	x	x	x	x	-	-
Marrickville LEP 2010	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-
Parramatta LEP	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓	✓	✓
Holroyd LEP 2010	x	x	✓	✓	-	-	✓	✓	✓	✓	✓	✓	x	x	✓	✓	✓	✓	-	-
Mosman LEP 2010	■	■	■	■	-	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-
Cessnock LEP 2010	✓	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	✓	✓	✓	✓	✓	✓	✓	✓
Maitland LEP 2011	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	✓	-	-	-	-
Newcastle LEP 2011	✓	■	✓	■	✓	■	✓	✓	x	x	-	-	-	-	x	x	x	x	x	x
Ballina LEP 2010	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	✓	-	-	✓	✓	-	-	-	-
Tweed LEP 2010	-	-	✓	✓	✓	✓	✓	✓	-	-	-	-	-	-	-	-	-	-	-	-
Dubbo LEP 2010	x	x	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	-	-	✓	✓	✓	✓

Attachment C - Extract of relevant clauses constraining food and drink premises operations

CLAUSES

The following clauses discriminate against Fast Food premises, and are inherently anti-competitive for drivers of the fast food industry.

Council LEP	Clause	Control
Liverpool LEP 2008	7.25 Food and drink premises and shops in Zone B1	<ul style="list-style-type: none"> Food and drink premises will not be granted consent on land in Zone B1 Neighbourhood Centre if the gross floor area is more than 300 square metres.
	7.26 Restaurants, take away food and drink premises, child care centres and hotel or motel accommodation in Zones IN1 and IN2	<ul style="list-style-type: none"> A restaurant or take away food and drink premises will not be granted consent on land in Zone IN1 General Industrial or IN2 Light Industrial if the gross floor area is more than 200 square metres
	7.30 Maximum floor area that may be used for retail premises for certain land in Zone B1 at Hoxton Park	<ul style="list-style-type: none"> For development of a site on land shown as being within Area 5 on the <u>Floor Space Ratio Map</u>, no more than 35% of the gross floor area of all buildings on the site may be used for the purposes of retail premises.
Blacktown LEP 1988	46 Development of certain land—part of Lot 3, DP 870666, Old Windsor Road, Parklea	<ul style="list-style-type: none"> Despite paragraph (c) of the definition of service centre in clause 6 (1), the Council may consent to restaurant facilities (as described in that paragraph) provided at the service centre that involve a total floor area of not more than 800 square metres.
Baulkham Hills LEP 2005	52 Considerations for development along classified roads	<ul style="list-style-type: none"> This clause applies to land within Zone I (a), I (b) or I (c) that has, or is proposed to have, direct vehicular access to a classified road. Consent will not be granted to development for the purposes of restaurants and service stations unless the consent authority has given consideration to possible access from a non-classified road, visibility, speed limits, accident history, requirements of the RTA and other such issues.
	53 Development that is prohibited along classified roads	<ul style="list-style-type: none"> Consent will not be given to the development of a restaurant or a service station along a classified road unless on land in Zone 1 (b), 1 (c), 2 (c) (for restaurants) or 3(a) (for both).