

# The Definition of Bulky Goods Premises

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## Submission to the NSW Department of Planning and Environment

December 13, 2017

### Regulatory Reform and issues of Competition Policy

The Australian Chamber (the Chamber) welcomes the opportunity to respond to the Department of Planning and Environment's (DPE) proposed amendment to the definition of 'bulky goods premises' in the Standard Instrument Local Environmental Plan.

Our focus is deliberately narrow in order to draw attention to areas that the Chamber believes are issues of national importance.

Specifically, the Chamber is concerned that insufficient consideration has been given to the importance of regulatory reform, or regulatory clarity, and issues of competition policy. This would include for example, ensuring planning definitions are best practice – that is fit for purpose and consistent with best practice in other jurisdictions.

Regulatory reform measures are critical in order to promote competition and productivity. This includes paying close attention to existing definitions used in rules, regulations and legislation and ensuring they don't inhibit competition, productivity and free enterprise more broadly.

As just one example, the DPE's definition of '*Bulky Goods Premises*' isn't quite fit for purpose. The Chamber has long advocated that rules, regulations and definitions should be harmonised, where appropriate, between state jurisdictions (and federal where appropriate).

While the proposed change to the 'Bulky Goods Premises' definition isn't unwelcome and might rightly be regarded as an improvement, the Chamber questions whether the changed definition would be best practice. Indeed serious consideration should be given to adopting Victoria's equivalent, but wider, definition. Victoria's definition is very similar to the definition used in South Australia and Western Australia. It would make sense, if just for inter-jurisdictional consistency and clarity, NSW wee to adopt Victoria's definition (which is also wider).

A seemingly small change like this can make a significant contribution to regulatory reform – competition and ultimately national productivity.

More broadly, industrial and commercial land supply is increasingly constrained in Greater Sydney. This is partly a function of the fact that land supply is limited, so competition over land use is intensifying. Rising tensions over land use contribute to the evolution of unnecessary constraints on planning and zoning. Regulatory reform is required to support business and to lift productivity.

Removing unnecessary constraints on planning and zoning regulations, as well as other anti-competitive or confusing measures, are critical for the successful development of the Greater Sydney region.

Removal of unnecessary constraints on planning and zoning regulation would help new development and increase competition in the marketplace. It would also help “level the playing field” for small business such as retailers, especially those who operate in large shopping centres.

The Chamber supports a more flexible approach to zoning and planning regulation to help support a diversity of retail land uses and increase the competitive opportunities for retailers.

The Chamber believes that greater and faster connectivity (rail especially) between major cities (Sydney, Newcastle, Gosford, Wollongong) would do much to increase the diversity and availability of land use.



### **About the Australian Chamber**

The Australian Chamber of Commerce and Industry speaks on behalf of Australian Businesses at home and abroad.

We represent more than 300,000 businesses of all sizes, across all industries and all parts of the country,

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