

## **Submission to Department of Planning and Environment on Proposed Amendment to the Definition of Bulky Goods Premises under the Standard Instrument (Local Environmental Plans) Order 2006**

Northern Beaches Council resubmits that caution should be exercised regarding any definitional change that would relax requirements for bulky goods retailing. The proposed amendment could result in significant strategic consequences and impacts on centres by automatically broadening the nature of Bulky Goods Premises in LEP land use tables where this development type is permissible.

Since 2011 a substantial number of Comprehensive LEPs have been drafted under the Standard Instrument (Local Environmental Plans) Order 2006 utilising the current definition of Bulky Goods Premises. Bulky Goods Premises have been included as permissible uses on the basis that such developments comprise both a 'large area for handling, display or storage' as well as 'direct vehicular access...by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire'.

*Northern Beaches Council submits that the proposed amendment to omit one or other of these matters has the potential to permit certain developments that would not otherwise have been permitted in certain LEP zones, without adequate and proper review, evidence or assessment.*

As employment lands, especially industrial zones, transition to various Standard Instrument Zones e.g. B5, B6 and B7, under a general push for more flexible employment zones (see DP&E Employment Land Development Program); there are potential impacts on the viability of urban services and industrial uses which exist and are still permitted.

Large lot sizes and lower land values in these precincts are more attractive for large format bulky goods, than in a mixed use centre. Local examples of where managing growth of bulky good retailing in employment zones is a concern include the Balgowlah Industrial area (previously IN2 rezoned to B6 Enterprise Corridor under Manly LEP 2013); and Pittwater Road (between Warringah Road intersection to Warringah Mall/Old Pittwater Road) Brookvale (zoned B5 Business Development under Warringah LEP 2011).

Council acknowledges that the current definition (published in 2011) is more restrictive than the 2006 definition.

However, the introduction of a more restrictive definition was accompanied by an expansion of zones where bulky goods premises are permitted, and included bulky goods as a type of retail activity as defined more broadly. Under the Standard Instrument Order most business zones potentially allow bulky goods retail under the 'retail' sub category.

*Northern Beaches Council submits that any relaxation of restrictions introduced in 2011 should only be made in conjunction with a review of zones where bulky goods premises are permitted in individual localities and LEPs. In particular, Northern Beaches Council raises concern that a relaxation of definitional requirements could lead to greater pressure for and impacts from bulky good in local retail centres due to the established group terms of the Standard Instrument LEP.*

Northern Beaches Council is also concerned that the proposed definition amendment may result in inconsistencies with a range of strategic planning documents. The draft Greater Sydney Regional Plan seeks to plan, protect and manage industrial and urban services (Objective 23).

*Northern Beaches Council submits that changes in the permissibility of bulky goods retailing in the management of industrial zoned land should not proceed without a review of appropriate activities within any precinct.*

Such review should also take into consideration findings of various industrial, commercial and centres strategies. Brookvale Structure Plan is an example of a recently exhibited local precinct plan which includes industrial land that is significantly constrained in term of parking, access and deliveries for retail customers. Further review is sought to fully assess the likely impact of permitting bulky goods retailing as proposed e.g. with no provision of direct loading facilities for customers.

Finally, if a Bulky Goods Premises do not require a large area for the handling, display or storage, there is insufficient differentiation of the use from other retail uses. There is little limitation on the range of goods that can be sold as “bulky goods” and the requirement for direct vehicular access can be argued by many other retail uses. Consequently, Councils may be faced with development applications for what in reality are “bog standard” retail uses which cannot be refused because of a purported requirement for access to loading and unloading facilities. Such an outcome has the potential to impact the viability of existing retail centres to the detriment of the communities they serve.

Thank you for your consideration of the matters raised in this submission and please be advised that the Northern Beaches Council’s Strategic and Place Planning Team would be glad to discuss any of these matters further.