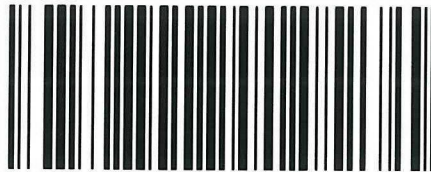




23 November 2017



PCU073150

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



Dear Sir/Madam

**Proposal Amendment to Standard Instrument LEP Definition – Bulky Goods Premises**

Bathurst Regional Council welcomes the opportunity to make a submission to the Department of Planning and Environment's proposed amendment to the Bulky Goods Premises definition.

Council raises no objection to the proposed amendment, however offers additional information with respect to the need for a wider reconsideration of the definition in the standard instrument LEP.

Council commissioned and adopted its Bathurst CBD & Bulky Goods Business Development Strategy 2011 (a copy of which has already been forwarded to the Department). The strategy identified that there was a gap within the definition of Bulky Goods within the current SILEP. The SILEP definition focuses on the "bulkiness" of goods for sale. This approach does not provide a sufficient narrative or understanding of bulky goods precincts and homemaker centres to permit retailers with large floorspace requirements that do not necessarily fit within the bulky goods definition, (see the **enclosed** extract from Council's strategy).

Council's desire would be to permit large retailers, those who would not fall within the definition of Bulky Goods such as JB Hi-Fi, lighting shops and the like (which would primarily be a shop), within the future B5 Business Development zone. Ordinarily this would not be an issue, although Council wishes to protect its vibrant CBD by prohibiting shops and retail premises in the B5 zone. Council's protection of the CBD is supported by the Bathurst CBD & Bulky Goods Business Development Strategy.

Council's Strategy provided a solution and suggested the Victoria Planning Provisions which introduces a definition for a *Restricted Retail Premises* which is defined as:

*Land used to sell or hire:*

- a) *automotive parts and accessories;*
- b) *camping, outdoor and recreation goods;*
- c) *electric light fittings;*
- d) *animal supplies including equestrian and pet goods;*

- e) *floor and window coverings;*
- f) *furniture, bedding, furnishings, fabric and manchester and homewares;*
- g) *household appliances, household electrical goods and home entertainment goods;*
- h) *party supplies;*
- i) *swimming pools;*
- j) *office equipment and supplies;*
- k) *baby and children's goods, children's play equipment and accessories;*
- l) *sporting, cycling, leisure, fitness goods and accessories;* or
- m) *goods and accessories which:*
  - *Require a large area for handling, display and storage of goods; or*
  - *Require direct vehicle access to the building by customers for the purpose of loading or unloading goods into or from their vehicles after purchase or hire.*

*It does not include the sale of food, clothing and footwear unless ancillary to the primary use.*

Council considers that the above definition, if included as a land use in the SILEP, would allow Council to protect its CBD, permit large floor area retailers in and out of CBD homemaker centres and benefit many councils within NSW with similar circumstances.

Council thanks you for consideration of this matter and awaits your further advice.

Yours faithfully



Neil Southorn  
**DIRECTOR**  
**ENVIRONMENTAL, PLANNING & BUILDING SERVICES**

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### 3.5 Bulky Goods Definitional Issues

- **Definitional Issues for Bulky Goods Retailing:** The NSW Government has adopted a Standard Instrument - Principal LEP (current version, 30 April 2010), which all Councils in NSW are required to follow when preparing new LEPs. This Instrument provides a template for LEPs ensuring consistency is achieved in their development. It provides for:
  - compulsory inclusions in all LEPs (for example name, commencement, aims, definitions and maps);
  - permitted or prohibited development options;
  - land use table;
  - exempt and complying development requirements;
  - principal development standards, and
  - miscellaneous provisions.

Of particular relevance to this Strategy the Principal LEP defines bulky good as follows:  
*"bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:*  
*(a) a large area for handling display or storage, and*  
*(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading goods into or from their vehicles after purchase or hire,*  
*and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods."*

(refer Dictionary, Standard Instrument - Principal Environmental Plan)

The definition currently in place in the Bathurst Regional (Interim) LEP (2005, refer Clause 5A, Part 1) though not identical in every respect to the Standard Instrument definition, is very close and there appear to be no substantive differences in the definition. Both the Standard Instrument definition of bulky goods and that used by the Bathurst Regional (Interim) LEP focus on the 'bulkiness' of goods for sale. This approach does not provide a sufficient narrative or understanding of the driving impetus and underlying rationale for the emergence of bulky goods precincts and homemaker centres throughout Australia and the ongoing demand for further development of these precincts and centres.

According to Jones Lang LaSalle (News Release 1 April, 2004), the bulky goods sector has been the fastest growing retail market in Australia since 1996. Significant continuing growth is likely for the bulky goods retail industry, driven by household formation and technological advancements that will generate new product development, and over time lower real costs of a range of products.

The definition of 'Restricted Retail Premises', as set in the Victoria Planning Provisions (refer VPP as amended 13 September 2010, Clause 74) provides a category based definition of bulky goods and reasonably reflects the types of tenancy demands exhibited in bulky goods precincts and homemaker centres. 'Restricted Retail Premises' encompasses '*land used to sell or hire*:'

- (a) automotive parts and accessories;
- (b) camping equipment;
- (c) electric light fittings;
- (d) equestrian supplies;
- (e) floor coverings;
- (f) furnishings;
- (g) furniture;
- (h) household appliances;
- (i) party supplies;
- (j) sporting goods
- (k) swimming pools;
- (l) videos, or
- (m) office supplies.'

In addition to these activities the VPPs have also classified a range of business support activities as 'Trade Supplies'. These activities may locate in a Restricted Retail Zone or in an industrial zone. Trade supplies refers to land use activities that essentially serves the construction and other industries. It is defined as:

*'land used to sell by both retail and wholesale, or to hire materials, goods, equipment, machinery or other goods for use in:*

- (a) automotive repairs and servicing;
- (b) building;
- (c) commerce;
- (d) industry;
- (e) landscape gardening;
- (f) the medical profession;
- (g) primary production; or
- (h) local government, government departments or public institutions.'

In addition a minimum floorspace criterion is applied in the use provisions for the relevant commercial zone most generally associated with restricted retailing in Victoria (the Business 4 Zone). The Table which sets out permissible uses for the Zone (refer VPP Clause 34.04-1 as amended 2 August 2010) states that Restricted Retail Premises (other than equestrian supplies, lighting shop and party supplies):

*'Must be in one occupation with a leasable floor area of at least the amount specified in the schedule to this zone. If no amount is specified, the leasable floor area must be at least 1000 square metres'*

The minimum required floor area for a 'lighting shop' is 500 square metres and minimum areas are required to be separately specified in Schedules to the Zone for party supplies and equestrian supplies.

In relation to the definition of bulky goods to be applied at Bathurst it is recommended that :-

- the general definition as set out in the Standard Instrument - Principal Environmental Plan form part of the definition of bulky goods;
- a more detailed activities based definition as set out above be included in the explanation of bulky goods activities .

The implications of the definition recommended for Bathurst are that a number of stores such as discount pharmaceutical stores are not to be considered as bulky goods stores. There is sufficient flexibility in the Strategy to allow these types of stores to locate either in the CBD or at any of the neighbourhood activity centres subject to the floorspace limitations for individual stores that will apply to the neighbourhood centres (being 1,200 square metres GLA for small neighbourhood activity centres and 2,500 square metres for the proposed large neighbourhood activity centre at Westpoint). It is highly likely that the floor areas for these types of stores is of the order of 300 - 400 square metres per store.

Photo 3.1: Bulky Goods Precinct, Kelso

Supported by :