

SHOP TALK

ISSUES AND NEWS AFFECTING THE AUSTRALIAN SHOPPING CENTRE INDUSTRY

FRIDAY 2 FEBRUARY 2018

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MORE PLANNING ISSUES IN NSW: PROPOSED CHANGE TO BULKY GOODS DEFINITION

Released alongside the disappointing report of the Retail Expert Advisory Committee ([Shop Talk 10/11/17](#)), the NSW Department of Planning and Environment recently [exhibited](#) a proposed amendment to the definition of 'bulky goods premises' under the Standard Instrument Local Environmental Plan (LEP). Described in the exhibition material as a "minor amendment", it is claimed that the proposal is "consistent with the actions arising from the REAC report...". (We note, however, that the REAC also stated in its report that it was "not practical or equitable to review a handful of definitions in isolation from the broader retail sector", which is what seems to be occurring.) Specifically, the Government has proposed to amend the current two limb test in the definition of 'bulky goods premises' (1. a large size requirement, and 2. a vehicle access requirement) from an 'and' to an 'or' test between the limbs. This change would, in effect, 'lower the bar' for bulky good proponents. The Shopping Centre Council has [submitted](#) in opposition to the proposed change in definition, noting that the Government has not considered potential unintended consequences with regard to other components of the Standard Instrument LEP, including potential inconsistencies with related zone objectives. The Department also hasn't considered potential impacts on broader, and ongoing, retail and centres planning deliberations, including the activities of the Greater Sydney Commission ([Shop Talk 25/1/18](#)). Our submission also notes that, while the proposal "seems concerned with reducing the costs being borne by bulky goods retailers as a result of the current definition, the NSW Government has not proposed any responses to address the various costs which must be borne by shopping centre investors when delivering equivalent retail floorspace". Some local councils have also made submissions raising concern about the potential impact of the proposed change. This proposal, however "minor" the Government claims it is, is the 'first cab off the rank' in what is likely to be a year dominated by planning and retail policy issues in NSW.

PRESSURE FOR NSW GIFT CARD REFORMS TO BE ROLLED OUT NATIONALLY

Following the passage of legislation imposing a minimum three-year expiry period on gift cards sold in NSW (effective 31 March 2018, [Shop Talk 20/10/17](#), [1/12/17](#)), the calls have begun for the reform to be rolled out across Australia. Media reports suggest that the Queensland Government is open "to working with stakeholders on this issue and to help strengthen protection for consumers", while the Victorian Government has reportedly deferred consideration to the Federal Government, suggesting that "it's time for the Turnbull government to take the lead on this issue, and provide a fairer deal for consumers". Meanwhile, the South Australian Liberal Opposition has released a [policy paper](#) which commits them to introducing the reforms should they form Government after the March 2018 poll. Although the NSW reforms are known to commence on 31 March 2018, other relevant matters, such as transition and exemption arrangements, still need to be resolved by the NSW Government and communicated scheme operators and consumers.

MINISTER ISSUES STATEMENT OF EXPECTATIONS TO VICTORIAN SMALL BUSINESS COMMISSIONER

The Victorian Minister for Small Business, Philip Dalidakis, has [issued](#) a [Statement of Expectations](#) to the Victorian Small Business Commissioner. Relevant to the period ending 30 June 2019, the statement details "some key areas of governance and operational performance where there are opportunities for the VSBC to make improvement that would improve service delivery". These include monitoring and improving the timeliness of setting mediation dates and identifying opportunities to improve information products. The VSBC's response to the Statement is available [here](#).

NRA: EASTER LONG WEEKEND AND ANZAC DAY 2018 TRADING HOURS FACTSHEET AVAILABLE

The National Retail Association (NRA) has released its Easter and ANZAC Day 2018 trading hours [factsheet](#). The NRA can be contacted directly for further information. Please visit their [website](#).

[PREVIOUS ISSUES](#)