



7 May 2021

Department of Planning, Industry and
Environment
Submitted via online submission form

Contact: [REDACTED]
Our Ref: DOC2021/077603
Your Ref:

Dear Sir/Madam

Proposed Employment Zones Framework

Thank you for the opportunity to review the Proposed Employment Zones Framework and supporting documentation. Council is highly supportive of:

- the reduced number of businesses zones;
- the introduction of a bespoke SP4 for master planned centres;
- the rationalisation and update of existing land use definitions;
- the expansion of the shop top housing definition to include commercial premises.

The following specific comments are also provided.

E prefix

Council notes that there may be consequential amendments to the naming of other SILEP zones following this reform. However, the utility of the using the E prefix for employment zones should be reconsidered as this will cause confusion given the current application of this prefix to environmental zones and an unnecessary administrative burden, particularly mapping the re-allocation of both the current and future use of the E prefix.

MU – Mixed Use zone

The paper states, in relation to the MU – Mixed Use Zone: *“supports genuine mixed use development rather than one dominant use.”* How does the Department intend to achieve this? Council argues that the Department should refrain from installing any policy framework to require this and let the market respond to the appropriate range of mixed uses for the local context.

A further objective is to *“Promote(s) and encourage(s) activities at ground floor and on street fronts.”* Will this be achieved through mandatory statutory provisions such as active street mapping in the LEP or through non-statutory provisions in the development control plan?

W4 Working Foreshore

‘Foreshore’ under the *Coastal Management Act 2016* is defined as the area of land between the highest astronomical tide and the lowest astronomical tide. This is

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incongruous with the state-wide application of the W4 zone in areas of the State that are not tidally affected. 'Working waterfront' may be more appropriate. The objective should also be amended to reflect this.

New definitions (Circular economy facility, creative industries and data centre)

Council has previously provided a submission on the 'Building business back better' reforms objecting to the introduction of these new definitions. Our submission argued that each of these proposed definitions can be accommodated in one or more of existing land use definitions and there is no need to further complicate the relevant EPIs with new land use definitions. This same point also applies to the new definitions proposed in these reforms.

Land uses permitted under State Environmental Planning Policies

We note that the proposed framework acknowledges that a number of SEPPs also set land use permissibility which are not generally listed in LEPs and that the proposed approach is not anticipated to change. This is extremely unfortunate. One of the enduring criticisms of the NSW Planning System is its complexity and impenetrability. The standard instrument LEP should be the repository of all land use definitions that are assessed under the *Environmental Planning and Assessment Act 1979* and subordinate instruments. A note to the relevant EPI would assist an enquirer to navigate to the applicable instrument.

It is noted that the matrix is a useful tool to identify 'most' of these uses; however these are cumbersome to maintain.

Variation in objectives

In relation to the three alternative objectives for the commercial centre, Council has a preference for the first objective as the two alternatives offer no additional direction.

In relation to the mixed use objectives, 'business' should be changed to 'commercial' to capture business, retail and office land uses. 'Retail' can then be omitted. Council will continue to permit appropriate residential land uses in its mixed zone; therefore 'residential land uses' should remain in this objective.

Objectives

The fourth objective of the E2 Commercial Centre could be amended to include 'places' in addition to streets, i.e. "To promote vibrant and active streets and places including during evenings and weekends."

The reference to 'safe areas' in the second objective of the MU1 Mixed Zone should be omitted. It only appears in this land use and it is difficult to assess and determine the appropriateness of a land use against this. An alternative could be "To encourage vibrant and active streets and spaces".

The second objective of the E5 Heavy industrial zone is not clear and does not assist in the assessment or determination of a land use in that zone. It could be deleted or amended to clarify its intent.

Support for Councils

The Department's commitment to assist Council's to undertake the necessary work to implement these reforms is welcomed.

If you require any further information, please do not hesitate to contact [REDACTED]
[REDACTED].

Yours faithfully

[REDACTED] or

[REDACTED]
Strategic Planning Manager