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28 June 2021

Department of Planning, Industry & Environment  
Via NSW Planning Portal

Dear Sir/Madam,

**RE: Proposed Employment Zones Reform**

Thank you for the opportunity to comment on the Proposed Employment Zones Reform currently on exhibition. Murray River Council is supportive of the reform and provide the following specific comments below.

**Cremation**

Council has submitted a draft principal LEP for Murray River Council to DPIE, as we currently still operate under the former Shire LEPs (Murray Local Environmental Plan 2011 and Wakool Local Environmental Plan 2013). This draft document is yet to receive Gateway determination and while we have received feedback from DPIE, this proposal has been placed on hold by staff based on the need to prioritise other more urgent projects. As part of that draft, it was proposed to introduce a new land use definition – Crematorium (water cremation facility) – so that two forms of cremation could be catered for. Our proposed LEP definition is set out below:

***Crematorium (water cremation facility)*** means a building in which deceased persons or pets are cremated by alkaline hydrolysis, whether or not it contains an associated building for conducting memorial services.

Has the splitting of the cremation definition been considered? Traditional crematorium facilities are generally associated with cremation via burning and as such are preferably located within industrial zones based on potential pollution and amenity impacts. Conversely, cremation via alkaline hydrolysis is not associated with the generation of pollution or amenity impacts and is more akin to a mortuary. As such, Council considers that cremation via alkaline hydrolysis could be accommodated in the proposed E2 and E3 zones (where mortuaries will be permitted with consent). We feel that splitting the definition would allow industrial zoned areas to be utilised by industrial natured business, rather than being consumed by more benign uses which could safely be catered for elsewhere.

### **Existing 'E' zones**

Murray River Council currently utilises Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, and Zone E3 Environmental Management across the Murray LEP 2011 and the Wakool LEP 2013. We refer to Footnote 1 on page 6 of the Position Paper which states that "... *There may be consequential amendments to the naming of other SI LEP zones that follows from this reform...*". To avoid confusion and a replication between 'E' referenced zones on mapping, it is suggested that new names be generated for Environmental Zones in time for the rollout of the suite of reform proposed for Employment Zones.

### **Strategic justification for Land Use tables**

Page 14 of the Position Paper notes that "... *Council will still be able to permit or prohibit other land uses as they see fit and in alignment with the relevant strategic plans...*". Page 20 of the Position Paper notes "... *while this process will draw from strategic planning, it should not require councils to review or undertake additional strategic planning*". Murray River Council does not have an Employment Lands Strategy in operation, and it is not anticipated that one will be completed before the roll of these reforms. If Council wish to include additional permitted uses (for instance, shop top housing into the proposed E2 zone, and Trades Retail Premises into the proposed E4 zone) will this be achievable without supporting strategy?

### **Home improvement retail premises definition**

We are interested to see the working definition for this land use. Will the new definition include the reference to a restaurant or café (currently forming part of the Garden Centre definition)? It is Council's preference for café etc. to remain in the definition to account for chain businesses such as "Bunnings".

### **Urban Support**

The term "*Urban Support*" referred to on pages 4 & 6 of the Position Paper is not explained fully. Is this term the same as "*Productivity Support*"?

### **Business premises**

It was identified in the Position Paper that this amended definition would "*make it clear that business premises do not include a 'shop'*". The Standard Instrument Amendment Order does not make any reference to 'shop' being added to the list of exclusions within the definition.

### **Industrial retail outlet**

This amended existing definition is described in the Position Paper but is missing from the Standard Instrument Amendment Order. It is only referenced within land use tables.

**Shop top housing**

Council agrees with the proposed expansion of this definition to include *commercial premises* and *health services facilities* for ground floor use. From our experience, we do not believe that commercial use needs to extend to more than the ground floor.

**Animal boarding and training establishments**

Council questions the rationale behind permitting 'animal boarding and training establishments' with consent in the E3 Productivity Support zone as part of this reform. Murray River Council receives ongoing public backlash from approving animal breeding establishments within our LGA, for instance, a petition with more than 3,000 signatures, media attention, and ongoing proceedings associated with interest groups like 'Animal Liberation' Group, and Federal MP Emma Hurst (Animal Justice Party). Council have been involved in ongoing discussions with the RSPCA, DPI Agriculture, and the Minister for Planning regarding upcoming reforms to animal breeding development assessment policy, including matters recently heard in the Lower House. The draft principal LEP for Murray River Council proposes that 'animal boarding and training establishments' be permitted with consent in the current RU1 and IN1 zones (and prohibited in all other zones). As this land use is not currently mandated as permitted with consent under the Standard Instrument, we request that the Department elaborate on the intent behind this change, consider upcoming policy reform influencing the assessment of this land use, and consider the emotionally charged public interest response to this land use.

We thank you again for the opportunity to provide feedback and look forward to the reform rollout.

Should you require any further information on the comments above, please contact [redacted]  
[redacted]

Yours sincerely,

[redacted]

[redacted]  
**Strategic Planner**

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**Director Planning & Environment**