

File Reference: D21/137384

28 June 2021

Ms Aoife Wynter
Director Employment Zones
NSW Department of Planning, Industry and Environment

Via: NSW Planning Portal

Dear Ms Wynter

Georges River Council Submission – Employment Zones Reform

Thank you for the opportunity to review and provide a formal submission on the proposal to replace the existing Business and Industrial zones with five new employment zones and three supporting zones under *Standard Instrument Principal Local Environmental Plan (2006)* (SI LEP).

Georges River Council ('Council') commends the Employment Zones project team on the engagement conducted to date. Council is supportive of the overall intention of the proposed employment zones framework to provide a clear strategic intent for each zone to ensure consistency in the application of zones across LEPs.

However, Council has identified a number of areas that require further consideration in the finalisation of the Employment Zone Reforms. The detailed comments are provided in **Attachment 1** for your consideration and have been summarised as follows:

- Mandated permissibility of land uses with adverse amenity and environmental impacts
- Inconsistencies with the mandated permissibility of 'build-to-rent' in the existing B3 Commercial Core zone proposed by the Housing SEPP
- Mandated permissibility of land uses that do not promote active street frontages in the proposed centre zones

- Investigation of the suitability of the E3 Productivity Support zone for existing industrial precincts with consideration of the South District Plan's "retain and manage" approach
- Guidance regarding the permissibility of residential land uses in the E3 Productivity Support zone
- Absence of objectives relating to the provision of active street frontages in the MU1 Mixed Use zone
- Mandated permissibility of 'creative industries' in industrial zones threatening the "retain and manage approach" by allowing office uses to creep into the E4 General Industrial zone
- Conflict between the new definition of 'local distribution premises' and the creation of active street frontages in centres
- Council be given the opportunity to suggest to the DPIE the proposed translation of zones as informed by Council's employment studies
- Inconsistencies with the mandated provision of employment/non-residential floor space in R3 and R4 zones proposed by the Design and Place SEPP

Where there is no comment, it can be assumed that Council has no substantial concerns with what is being proposed and can be taken as general support.

If you require any further explanation of the issues raised in the submission, please do not hesitate to contact [REDACTED]

Yours faithfully

[REDACTED]

[REDACTED]

Director Environment and Planning



Attachment 1 - Georges River Council Submission

Employment Zones Reform

Council's submission has been categorised under a number heads of consideration. Each heading is supported by a set of comments and a recommendation to assist with the finalisation of the Employment Zones Reform. Feedback has also been prepared in response to the request for comments regarding the potential consolidated definitions.

Comments on Proposed Zones

- It is noted that the proposed E1 Local Centre zone will fundamentally replace the B1 Neighbourhood Centre and some B2 Local Centres. Given centres in different local government areas (LGAs) have varying characteristics and land use sensitivities, it is requested that councils be given more flexibility with fewer mandated land uses. For example, in the proposed E1 Local Centres zone, 'amusement centres' should not be mandated as they would not be appropriate in some centres within the Georges River LGA that would be translated into the proposed E1 Local Centres zone.

Recommendation: *Remove land uses with adverse amenity and environmental impacts such as 'amusement centres' as being mandated in the proposed E1 Local Centres zone.*

- Council officers support the proposal to not mandate residential and uses in the proposed E2 Commercial Centre zone. Council currently has a B3 Commercial Core zone in the Hurstville LEP 2012 where residential land uses are prohibited to protect the employment function of the Hurstville town centre. However, the proposed Housing SEPP seeks to mandate the permissibility of 'built-to-rent' housing within the existing B3 Commercial Core zone, which is considered to be inconsistent with the objective of the zone due to the inability of 'built-to-rent' housing to create ongoing employment and activation in the commercial core.

Recommendation: *Ensure residential land uses continue to be prohibited within the proposed E2 Commercial Centre zone, including future land uses proposed by the proposed Housing SEPP such as 'build-to-rent'.*

- It is noted that in the proposed E2 Commercial Centre zone that 'mortuaries' are a mandated land use. However, 'mortuaries' do not promote active street frontages or vibrant centres as per the objectives of the zone.

Recommendation: *Remove land uses that do not promote active street frontages such as 'mortuaries' as being mandated in the proposed E2 Commercial Centre zone.*

- Council officers support the proposed E3 Productivity Support zone to provide a transition between centres and industrial areas to assist in reducing land use conflicts. The E3 Productivity Support zone could possibly be applied to smaller, more constrained industrial areas that have land use conflicts with the surrounding low density residential areas, such as the Penhurst Lane, Penshurst and Halstead Street, South Hurstville industrial areas where creative industries are proposed to be permitted under the draft

Georges River LEP 2020. However, Council acknowledges that this translation will require detailed consideration against the South District Plan's "retain and manage" approach for urban services land.

Recommendation: *Investigate the suitability of applying the proposed E3 Productivity Support zone to constrained industrial precincts with consideration of the South District Plan's "retain and manage" approach.*

- Council currently has a B6 Enterprise Corridor zone in the Kogarah LEP 2012. There does not seem to be an appropriate new zone for the current B6 zone to be translated into. The closest zone would be the proposed E3 Productivity Support zone. However, if shop top housing were to be retained in the B6 zone as a permissible land use, this would conflict with the objectives of the E3 Productivity Support zone which has an employment focus.

Recommendation: *Provide further guidance relating to the permissibility of residential land uses in the proposed E3 Productivity Support zone.*

- Council officers support the proposed MU1 Mixed Use zone. However, guidance should be provided to councils when to apply this zone to ensure residential development does not occur at the detriment of employment uses. This zone may be applied to the strategic centres of Kogarah and Hurstville to ensure the creation of additional employment opportunities. In addition, it is noted that there is an intention to promote and encourage activities at ground floor and on street fronts. This intention should be reflected in the objectives of the zone to ensure developments provide active street frontages.

Recommendation: *Amend the objective of the proposed MU1 Mixed Use zone to emphasise the provision of active street frontages.*

Comments on Proposed Definitions

- Council supports the proposed new definition of 'creative industry' which is not dissimilar to what has been proposed in the draft Georges River LEP 2020. A diverse range of industries (including creative and innovative industries) that do not compete with commercial centres and do not compromise industrial and urban services within the IN2 Light Industrial zone is proposed in the draft Georges River LEP 2020. The proposed provision will apply to two areas through Schedule 1 (Additional Permitted Uses) – the Penshurst Lane, Penshurst and Halstead Street, South Hurstville industrial precincts.

Council's *Industrial Land Review 2018* identified that these areas are compromised by their location in terms of attracting industrial uses and investment. The types of industrial activities that can be located in these precincts are constrained due to the amenity impacts of traditional industrial land uses on the surrounding low density residential land.

However as noted above, the South District Plan specifies a "retain and manage" approach for urban services land in the South District. Creative industries are proposed by the Reform to be a sub-term of 'light industry', which is a mandated land use in the proposed E4 General Industrial zone. Creative industries are low impact uses when compared against typical uses in industrial precincts and typically take on the form of

office premises. There is significant concern that the mandated permissibility of 'creative industry' in industrial zones will threaten the "retain and manage approach" by allowing office uses to creep into industrial zones.

Recommendation: Remove 'creative industries' as being mandated in the proposed E4 General Industrial zone.

- Council officers support the proposed new definition of 'local distribution premises' which reflects the popularity of online retailing. It is understood that online retailing has created a need for smaller distribution premises to be located closer to centres where purchases can be picked up and delivered to the local surrounding area. It is noted that 'local distribution premises' are mandated in the E2 Commercial Centre zone. However, the existing definition of local distribution premises allow these uses to function as storage areas, which does not promote active street frontages or vibrant centres as per the objectives of the zone.

Recommendation: Controls should be placed in the Standard Instrument LEP to limit the size and location of 'local distribution premises', for example not permitting them to be located on ground floor street frontages. Alternatively, the definition should be amended to include "provision of services directly to members of the public on a regular basis" to generate pedestrian traffic.

Comments on Implementation Plan

- It is understood that the existing zones within Council's LEPs will need to be translated into the proposed employment zones once the new employment framework is in effect. The translation of zones should be informed by employment studies. Council has completed its *Industrial Land Review* and *Part 1 of the Commercial Centres Strategy*. Council needs to complete *Part 2 of the Commercial Centres Strategy* prior to determining the application of zones. *Part 2 of the Commercial Centres Strategy* will look at the roles and functions of all 48 commercial centres. It will provide centre-specific objectives, building controls and guidelines, and explore the potential expansion of appropriate centres.

Council does not object to the proposed implementation mechanism by way of a self-repealing SEPP. However, Council is concerned that the broad-brush nature of the State-led process may overlook the nuances of the Georges River LGA's employment zones. A Council-led reform is considered to be more conducive to local place-making.

Recommendation: Council be given the opportunity to suggest to the DPIE the proposed translation of zones as informed by Council's employment studies.

- Council supports the proposed toolkit encompassing the model local provisions and characterisation of zones which will assist Council in implementing the proposed amendments to the Standard Instrument. The guidance to be provided on managing out of centre developments is highly appreciated. However, there is significant concern that the proposed Design and Place SEPP will compromise the productivity of employment

zones through its proposal to mandate the provision of employment/non-residential floor space within the R3 Medium Density Residential and R4 High Density Residential zones.

The majority of the R4 zones in the Georges River LGA are located on the periphery of commercial centres. Minimum non-residential floor space requirements are currently enforced by Council in business zones to ensure these areas are activated through redevelopment and will provide sufficient capacity to meet the demands of the existing and future populations. The mandated provision of non-residential uses will present R4 zones as direct competitors to the adjoining centres, which will undermine the integrity and objective of land use planning.

Recommendation: Provide guidance relating to the management of non-residential floor space requirements in residential zones when they are in direct competition with adjoining employment zones.

Feedback on Potential Consolidated Definitions

- Council officers are supportive of the proposed consolidation of 'hardware and building supplies' and 'garden centres' into the new land use term 'home improvement retail premises'. However, further clarification is sought regarding the existing permissibility of a restaurant or cafe as part of 'garden centres' and whether this would be carried over into the new term.
- There are no issues with the proposed consolidation of 'landscaping material supplies', 'rural supplies' and 'timber yards' into a single 'trades retail premises' definition. However, Council does not desire the mandated permissibility of this new land use within the proposed MU1 zone as it would be incompatible with desired future character of the Georges River LGA's strategic centres.