



Our ref: ECM_7321229

29 June 2021

Att. Director Employment Zones
NSW Department of Planning, Industry and Environment

Submission lodged via DPIE Have Your Say website

Dear Sir/Madam

Submission regarding NSW Employment Zones Reform

Please find enclosed a submission on the current Employment Zones Reform package currently on exhibition until 30 June 2021. This submission has been prepared by Council staff on behalf of Coffs Harbour City Council.

Council thanks the NSW Government for the opportunity to provide input into development of the revised employment zones package and implementation plan. The attached submission contains a number of matters which Council requests are taken into consideration during the finalisation of the employment zones reform package.

For further information, please contact Council's Senior Planner/Urban Designer [REDACTED]

Yours faithfully

[REDACTED]

[REDACTED]
Section Leader, Local Planning

Encl.

EMPLOYMENT ZONES REFORM - Proposed framework, legislative amendments and implementation program

Submission by Coffs Harbour City Council

29 June 2021

This submission has been prepared by staff of Coffs Harbour City Council (Council) in response to exhibition of the Position Paper, legislative amendments and Implementation Plan associated with the current Employment Zones Reform project.

A. GENERAL COMMENTS

Council makes the following general comments about the proposed reform package:

1. Council recognises the need to review and modernise the current suite of Standard Instrument LEP business and industrial zones and generally supports the policy to increase their adaptability to changing business needs and to improve understanding of each zone's intent and purpose.
2. Council is broadly supportive of the proposal to rationalise the number of zones and increase the number of uses able to be carried out in each zone however, Council is concerned that the list of mandated permissible uses will undermine the ability of Councils to plan for (or maintain) a logical and desirable hierarchy of centres that are suitable for their local circumstance. Council requests a reduction in the mandated permissible uses to ensure there is sufficient scope to set permissible uses to suit local circumstance. Some of the proposed mandated permissible uses would result in incompatible or undesirable development being permitted with consent in certain centres in the Coffs Harbour LGA.
3. The loss of a zone specifically for a commercial core and the retention of a single lower order commercial centre zone is of concern to Council. Zone B3 Commercial Core is presently used to identify the Coffs Harbour city centre as the highest order commercial centre in the local government area (LGA), and is reflective of its role as a Regional City. Council's recently adopted Local Growth Management Strategy seeks to maintain and reinforce the role of the city centre as the most important commercial centre in the LGA. It is acknowledged that proposed Zone E2 Commercial Centre includes an objective that this is intended to be the principal commercial centre in the surrounding area however, the absence of a distinctive principle centre zone undermines Council's ability to maintain a clear centres hierarchy and application of this Zone in any location other than the city centre would fundamentally undermine the importance of the Coffs Harbour city centre. Council would prefer to see the retention of an employment zone that is specifically applicable to regional city centres.
4. The general policy of limiting retail uses outside of centres is supported as this is an important element to maintain the role and vibrancy of local and city centres.
5. The proposed reform represents a significant change and will require careful consideration by Councils, especially where the reform presents an opportunity to review the strategic intent or role of particular precincts or locations. In this regard, the implementation program should allow sufficient time to carry out this work and avoid any rushed decisions that may

subsequently require amendment in future. The implementation program should be focussed on outcomes rather than timeframes and there should be an avenue for extensions to be granted where Councils can demonstrate a legitimate need to take more time to work through the implementation.

B. SPECIFIC COMMENTS

Council makes the following comments about specific aspects of the proposed reform package:

1. Proposed amended suite of zones

- The naming of the proposed zones as 'E' zones may create confusion with the current environmental zones within the Standard Instrument LEP: Zones E1, E2, E3 and E4, particularly in rural and regional locations. The reform package needs to ensure sufficient differentiation between employment and environmental zone names to avoid confusion.
- The removal of a neighbourhood scale zone (currently B1 Neighbourhood Centre) and inclusion of only a single lower order centre zone (proposed E1 Local Centre) is of concern to Council as it removes the ability for Council to differentiate between local centres and small-scale neighbourhood centres, of which the Coffs Harbour LEP 2013 presently includes ten such locations. Council would prefer to see the retention of a zone specifically for small, neighbourhood-scale centres. Further justification as to why proposed Zone E1 Local Centre is incompatible with centres currently in Zone B1 Neighbourhood Centre in Coffs Harbour LEP 2013 is provided in Item 2 (over page).
- E1 Local Centre
It is noted that this zone is intended to be a replacement for B1 Neighbourhood Centre and most B2 Local Centres. The proposed zone appears to be a suitable replacement for Zone B2 and no concerns are raised in regards to the intent of this zone.
- E2 Commercial Centre
It is noted that this zone is intended to be a replacement for B3 Commercial Core and some larger B2 Local Centres. The name of this zone does not make apparent its intention to be applied to the principal centre in an area. Council suggests the name of this zone be changed to reflect this. As noted in Part A General comments, Council is concerned the loss of a zone specifically for regional city centres may undermine its ability to maintain the primacy of the regional city centre in the centres hierarchy.
- E3 Productivity Support
Council is generally supportive of the intent of this proposed zone including the intention to avoid competition with surrounding local and commercial centres and the limitation on retail uses. This zone is intended to be a replacement for Zone B5 however, it contains a number of mandated permitted uses that are currently prohibited in Zone B5 in the Coffs Harbour LEP; this issue is described in further detail in Item 2 (over page).
- MU1 Mixed Use
Council is generally supportive of the intent of this zone and it appears to be a suitable replacement for Zone B4 Mixed Use.

- Local Enterprise Zone
The introduction of a Local Enterprise Zone to provide Councils the opportunity to plan for unique commercial or activity precincts is supported.
- E4 General Industrial and E5 Heavy Industrial
Council is generally supportive of the intent of these zones and they appear to be a suitable replacement for Zones IN1 and IN3.
- W4 Working Foreshore
Council is generally supportive of the intent of this zone and it appears to be a suitable replacement for Zone IN4.

2. Proposed zone objectives

- Council has no objection to the proposed zone objectives however, the number of mandated objectives should be less. Nearly all the zones contain at least four mandated objectives, with some as many as six. Council would prefer to see less mandated zone objectives to allow greater scope for customisation of the new suite of zones so they are appropriate to the local circumstance. Council would support the provision of a suite of optional zone objectives.

3. Proposed land use tables and mandated permissible uses

- The proposed land use table for proposed Zone E1 Local Centre includes *Local distribution premises, Places of public worship, Recreation facilities (indoor), Service stations, Tourist and visitor accommodation* and *Vehicle repair stations* as development that is permitted with consent. These types of development are not considered appropriate to be located within a number of very small centres in Coffs Harbour LGA that are presently in Zone B1 Neighbourhood Centre. These uses or development types are considered to present a risk to the function, character and amenity of these very minor, neighbourhood-scale centres and this is an example of why the number of mandated permitted uses must be reduced, and why a neighbourhood-scale business zone should be retained.
- The proposed land use table for Zone E2 Commercial Centre includes *Recreation facilities (major)* as development that is permitted with consent. This type of development is not considered compatible with the Coffs Harbour city centre that is presently in Zone B3 Commercial Core. Council recommends this use not be included in the list of mandated permissible uses for this zone.
- The proposed land use table for Zone E3 Productivity Support appears to include a number of uses which are likely to have off-site impacts, such as *Depots* and *Vehicle body repair workshops*, and which are considered to be incompatible with other permitted uses such as *Centre-based child care facilities* and *Hotel or motel accommodation*.

The proposed land use table for Zone E3 Productivity Support includes *Animal boarding or training establishments, Hotel or motel accommodation, Office premises, Vehicle body repair shops* and *Depots* as uses that are permitted with consent. These uses are considered to be inappropriate to be located in certain centres in Coffs Harbour LGA that are presently in Zone B5 Business Development as these uses are all currently prohibited in this zone. Council

recommends these uses not be included in the list of mandated permissible uses for this zone.

- The proposed land use table for Zone MU1 Mixed Use includes *Vehicle repair stations* as development that is permitted with consent. This type of development is not considered compatible with land in the Coffs Harbour LGA that is presently in Zone B4 Mixed Use. Council recommends this use not be included in the list of mandated permissible uses for this zone.
- Because of the issues outlined above, and to allow Councils sufficient latitude to tailor the new zones to their local situations, Council requests a reduction in the number of development types that are to be mandated as 'permitted with consent'. This is particularly the case for proposed Zones E3 and MU1 which contain the greatest mix of uses, some of which are considered to be incompatible.

4. New and updated definitions

- The three new definitions and six updated definitions are supported.
- The removal of 'local distribution premises' from the parent term of 'warehouse or distribution centre' is logical and is supported.

5. Implementation plan and timeframes

- Council would welcome the provision of an implementation toolkit as flagged in the Implementation Plan.
- Council is supportive in principle of DPIE carrying out initial LEP drafting and mapping that is then provided to Councils to refine and interpret as required to suit local circumstance. However, Council requests involvement with this project team from the outset and during the life of DPIE's involvement, to ensure local knowledge is applied to each zone transition decision.
- Consideration of the appropriate transition of zones and permissible land uses is a very important task for Councils. It is imperative that the implementation of this reform avoids poor planning or land use outcomes and allows Councils to maintain the current hierarchy and strategic role of centres (particularly important for a regional city centre). In this regard, the implementation program should be focussed on outcomes rather than achievement of timeframes.
- Council is likely to have a preference to be part of Tranche 2 of the implementation program.
- The implementation package does not make clear what role Councils will play in public exhibition and consultation on draft amended LEPs. Consultation with affected land owners or businesses (especially where current uses become an existing use) will require time and resources. This needs to be considered as part of the implementation plan and assistance should be provided to Councils where they will have a role in consultation and exhibition.