

Attention: Director Employment Zones
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Re: Employment Zones Reform Submission

Thank you for the opportunity to provide feedback on the proposed changes to the employment zones under the *Standard Instrument Principal Local Environmental Plan (2006)* and outlined within the *Proposed Employment Zones Framework Position Paper* (employment zone reform).

Council officer's submission is explained below, with further detailed comments provided in **Attachment 1**.

Council officers support a more efficient planning system and some of the changes proposed to improve productivity and help deliver more local jobs. However, some of the changes proposed by the employment zone reform package when combined with the changes proposed as part of the Building Business Back Better (BBBB) appear to represent a concerted effort to remove planning powers from Local Government.

This is extremely concerning as the proposed inclusion of additional mandated uses as complying development removes the community's right to have a say about local development. The addition of some mandated uses proposed as part of this employment zone reform can be supported, however, adding some of these uses to complying development is not supported.

In May 2021, Council made a submission on the BBBB reforms. As part of our submission, we stated that the employment zone reforms and the BBBB planning reforms are interconnected and should be exhibited together.

Without careful consideration, the expansion of the mandated uses within certain zones may lead to amenity impacts and land use conflicts. DPIE must ensure that the proposed reforms do not cause environmental degradation or social and economic disruption because of the proposed changes of both reform packages.

If DPIE continue with the proposed changes as outlined, it is requested that a second round of community consultation is undertaken to ensure the public are fully aware of the proposed changes and implications under both reform packages. This secondary

public exhibition package should also highlight explicitly the fact that the community will no longer have the right to comment on some local developments.

Finally, Council are concerned that these reforms do not take into account the strategic planning processes that have occurred and are being implemented within Liverpool's LGA. Specifically, the Liverpool Centres and Corridors Strategy 2020 (as informed by the Liverpool Centres and Corridors Study Prepared by SGS) offers specific and evidence-based actions for the LGA. The reforms proposed will need to be implemented by local Council's to ensure LEP's and DCP's are updated appropriately. Council raise concern that this has not been factored into the broader reform process and timeline put forward.

Thank you for taking the time to consider our submission on the employment zone reform. If you have further questions, please contact [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Attachment 1 – Detailed Comments

1. **Amalgamation of B1 Neighbourhood centre and B2 Local centre zones into E1 Local Centre zones**

Council officers support changes that will help promote economic growth especially for existing neighbourhood and local centres. However, we are concerned that amalgamating the B1 and B2 zones will be a substantial shift away from the clarity provided by the established retail hierarchy. Before we can support the amalgamation of these zones, more detail is required to fully address how neighbourhood and local centres will be able to align within the retail hierarchy as a new single E1 Local Centre zone.

For your reference, neighbourhood and local centres are defined within Liverpool's Centres and Corridors Strategy as:

Local Centre - Smaller retail centres which meet convenience retailing needs as well as acting as community gathering places.

Neighbourhood Centre - The smallest centres which make a small contribution to meeting day to day retailing needs of the local community.

2. **Proposed Mandated Uses and changes proposed through Building Business Back Better (BBBB)**

Council officers have serious concerns with the implications of the proposed 'mandated uses' and the possibility that these uses could be approved through the complying development pathway.

As stated in the BBBB's *Explanation of Intended Effects (EIE)* (March 2021) *for a use to be complying development it must be permissible in the zone of the property.* The inclusion of mandated uses removes Council's ability to choose which uses are appropriate in our zones.

We have serious concerns that if the below 'mandated uses' are approved through the complying development pathway; they could have significant local amenity impacts. Council maintain that complying development assessment lacks the ability to limit impacts through specific conditions of consent.

We do not support the below 'Mandated Uses' to be approved through the complying development pathway as they are not low risk or low impact development:

E1 Local Centre (currently B1 Neighbourhood Centre)

- Domestic goods repair and reuse facilities
- Entertainment facilities
- Function centres

- Local distribution premises
- Vehicle repair stations

E1 Local Centre (currently B2 Local Centre)

- Domestic goods repair and reuse facilities
- Local distribution premises

E3 Productivity Support (currently B5 Business Development)

- Boat building and repair facilities
- Depots
- Local distribution centres
- Vehicle body repair station
- Vehicle repair station

E3 Productivity Support (currently B6 Enterprise Corridor)

- Boat building and repair facilities
- Depots
- Local distribution centres
- Vehicle body repair station
- Vehicle repair station

E5 Heavy Industrial (currently IN3 Heavy Industry)

- Boat building and repair facilities

The above stated mandated uses should not be permitted through a complying development pathway, as they are not low risk or low impact development. These uses should be removed from the complying development pathway as they could lead to serious land use conflicts that inhibit economic development and potentially create significant local environmental and amenity impacts.

3. Potential Land Use Conflicts through the BBBB Planning Reform

It is anticipated that a number of permitted land uses in existing zones within the Liverpool Local Environmental Plan 2008 (LLEP) will be carried over into the proposed new zones. Through the changes proposed by this employment zone reform (and the BBBB), the above mandated uses when combined with current permitted uses could increase the potential for serious land use conflicts.

For example, within the B6 enterprise corridor zone, a centre based child care facility (new mandated use) could be located in close proximity to a liquid fuel depot (existing use), or a vehicle body repair station (new mandated use) or a transport depot (existing use) without consideration of local amenity impacts or environmental impacts.

There is also a lack of detail how the impacts will be managed for some mandated uses when in close proximity to existing sensitive receivers e.g. existing residential development and a new vehicle body repair station.

To restate from our submission to the BBBB (May 2021) - *the review of the Codes SEPP through the BBBB process should be coordinated and should at a minimum run alongside and be informed by the employment zone reform program – not before it.* This has clearly not occurred and there are unknown consequences and unknown impacts as a result.

4. Mandated Use 'Light Industries' in the MU1 Mixed Use Zone

Council officers have concerns with the inclusion of 'light industry' as a mandated use within the MU1 Mixed use zone. Light industry is a broad term that covers a number of specific uses that possess varying degrees of amenity impacts. Council would like more information how this new land use term inclusion will avoid negatively impact the local amenity within the mixed-use zone. It is suggested that rather than 'light industry', the new landuse of 'creative industry' is included.

5. Limiting New Out of Centre Retail

Liverpool's Centres and Corridors Study (prepared by SGS - April 2020) identifies the need to limit the creation of new out of centre retail developments that do not play a broader place based role for communities and that could compromise the operation of existing centres.

Although not specifically outlined in the reform package, Council have concerns that the changes proposed will allow for out of centre retail to be developed. Council maintain that sufficient economic and place-based assessment measures are required to ensure out of centre retail does not undermine the priorities of the strategic planning framework (Region Plan, District Plan and LSPS). Specifically, that out of centre development will fail to be co-located with sufficient residential density, public transport, open space, social infrastructure and community facilities.

6. Unintended consequences resulting from mandated uses and other clauses within Part 7 Additional local provisions and Schedule 1 Additional permitted uses

There may be unintended consequences as a result of including additional mandated uses without ensuring current floor space restrictions are maintained in local environmental plans. This is likely to be an issue across the state where additional restrictions are imposed for site specific sites within *Part 7 Additional local provisions* and *Schedule 1 Additional permitted uses* of LEP's.

Council request that as the employment zone reforms progress, the provisions with Part 7 and Schedule 1 of LEP's is considered. This is especially relevant to Liverpool's LLEP 2008 which contains several specific provisions that have come out of robust strategic planning processes and community consultation.

7. Proposed new definitions

The proposed new definitions are supported.

Regarding the updated definition of 'shop-top housing', it is recommended that more than the ground floor can be non-residential. However, Council have concern that if more than the ground floor is mandated as non-residential, the feasibility of such developments will be diminished significantly.

8. Domestic goods repair and reuse facility

Council officers previously made comment on the proposed use 'domestic goods repair and reuse facility' as part of the BBBB reforms, please refer to the extract below from our submission (May 2021).

"Council has serious concerns with enabling a complying development pathway for the approval of these types of developments. The wide diversity of property circumstances, including proximity to more sensitive use types, and the wide range of materials that could be stored as being 'potentially recyclable' (including materials that are classified as problem wastes) create too much uncertainty to be able to support these uses through a complying development approval pathway.

It is also noted that this may blur the lines of what is hoarding and what is storage of materials for recycling. Anything that makes it harder to address hoarding is not supported. Whilst we believe these developments can provide community benefit, the potentially adverse impacts are too great to consider as complying development.

There are numerous examples that have come out of Victoria within the last four years of illegal stockpiles of materials, supposedly for recycling, which also get used for storage of toxic/contaminated materials, or which simply exceed the approved maximum limit for recyclables."

This inclusion of this land use is supported, however in accordance with our submission from our BBBB submission, 'domestic goods repair and reuse facility' should not be permitted through the complying development pathway.

9. Proposed 'E' zones Abbreviations

The proposal to rename the 'industrial' and 'business' zones to 'employment' zones is not supported. If the new zones and abbreviations proceed, an 'E' zone in the Liverpool LEP will be an employment zone, while an 'E' zone under the Growth Centres SEPP will be an environmental zone. This will create unnecessary confusion.

Under the Aerotropolis SEPP, there are different zones again, adding further and unnecessary confusion. It is therefore requested that DPIE reconsider amending zone names and abbreviations to be consistent with other EPI's.

10. Existing LEP and DCP references

Council officers have serious concerns if the proposed zone abbreviations proceed. The Liverpool LEP 2008 and Liverpool Development Control Plan 2008 (DCP) will need to be substantially amended in terms of referencing new zones and abbreviations. This has not been considered within DPIE's Implementation Strategy.

It is noted that there would also need to be significant amendments to the DCP to address and minimise potential land use conflicts resulting from the increased number of mandated uses within new zones.

11. New Zones not to Apply to the Growth Centre SEPP

Council supports DPIE's proposal not to apply the proposed changes to the industrial and business zones with the growth centres as much of these areas are yet to be developed. The growth centres and other greenfield areas require more specific zonings to ensure that character, scale and functions can be formed over time.

In greenfield areas, the treatment of most commercial and industrial uses as complying development may also undermine the existing masterplans that were prepared to facilitate the zoning of land for commercial or industrial purposes.

Without the need for development consent, the principal precinct planning framework, namely an Indicative Layout Plan (ILP) and other DCP controls would no longer need to be addressed. This could result in urban development, with some streets being constructed as per an ILP, and some others not being constructed. Other aspects of the public domain, such as utility infrastructure (e.g. stormwater pipes), undergrounding of power lines, upgrading of rural roads to an urban standard, and planting of street trees also may not occur.

12. SP4 Local Enterprise Zone

Council officers support the introduction of the SP4 Local Enterprise zone. This proposed new zone will allow council to set uses within the land use table for site specific areas. However more detail on how this will be administered is requested.

13. Need for an updated LEP Practice Note "*Preparing LEPs using the Standard Instrument: definitions*"

Council officers recommend that the LEP Practice Note "*Preparing LEPs using the Standard Instrument: definitions*" is updated to better explain new zones, definitions and group terms because of these proposed planning reforms.