

Employment Zones Reform

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Stakeholder group	<input type="checkbox"/> Industry <input checked="" type="checkbox"/> Council <input type="checkbox"/> Aboriginal Community <input type="checkbox"/> Community <input type="checkbox"/> State Agency
Age demographic	<input type="checkbox"/> 18-25 <input type="checkbox"/> 26-45 <input type="checkbox"/> 46-65 <input type="checkbox"/> 65+

Position Paper

INTRODUCTION

- The Wollongong LGA current has 59 retail and business centres, under the following hierarchy:
 - Regional/Gateway City – Wollongong City Centre
 - Major Regional Centre – 2 centres (Warrawong, Dapto)
 - Major Town Centre – 4 centres
 - Town Centre – 12 centres
 - Village centre (local convenience) – 25 centres
 - Small Villages/Neighbourhood shops – 15 locations
 - Peripheral Sales/Bulky goods precincts – eg King St Warrawong
- The Wollongong LGA is one of the few LGA, that has genuine heavy industry with the Bluescope Steelworks at Port Kembla
- The Wollongong LGA also has a major Port at Port Kembla which is used for the import/export of goods, and many industries support the Port use and need 24/7 operations, which is catered for by the IN3 zone.
- The Wollongong LGA also has large areas of IN2 land, and some IN1 zoned land. These areas are important for local employment. Council would support the merging of the IN1 and IN2 zones, and has previously investigated this option.
- Council is supportive of zoning controls with clear objectives and appropriate land uses. Council recognises that in some cases, the proposed reforms represent an evolution of the Standard Instrument LEP which are necessary and have already been undertaken by Council through our own modifications to the LEP, and/or the intentions of draft strategies.
- Council objects to the intention to decrease the number of zones to those proposed, and therefore consolidate the objectives of those zones to broader statements. The proposal will restricts the ability of Council to facilitate development across the LGA is a way that is reflective of the scale and character of the range of centres which exist within our current retail and business hierarchy.
- Council is also interested in the Department's view on whether the proposed zones are intended to work the same way across a rural, regional and metropolitan context.
- Council is conscious of the flow on effect of the zoning reform, which will trigger the requirement for tightening of other planning controls including built form, night-time activity, local character controls, outdoor dining policies etc. Has the Department considered these and are they prepared to provide advice/assistance?
- Providing *greater certainty for the community* can often be in conflict with providing certainty for the *development industry*. Community requires a certain understanding of what will be developed in their neighbourhoods. If the development industry is after controls that *facilitate innovation and changes in business processes* ie more flexibility, this will make it harder to assure the community that Employment zones will deliver on their expectations.

- Council's *long-term strategic planning objectives* include creating sustainable, walkable neighbourhood centres for our growing population. The merging of the Neighbourhood Centre and Local Centre zones, and the removal of any objectives that refer to walkability or active transport leaves our centres at risk of being dominated by uses which serve wider catchments, serviced by cars.
- The documentation is largely silent on the role of residential development in employment zones and only recommends residential as a land use in the E1 and MU1 zone. How does this align with the Department's directions to increasing residential density in centres? Council agrees that there are multiple issues in managing residential and commercial land use mix, but the documentation's silence on the matter does not offer much guidance in light of the likelihood of these uses being added back into Councils' LEP land use tables.

DEVELOPING THE FRAMEWORK

- Is the information that was gathered through the surveys and workshops publicly available? Can it be made so?
- Will the social impact assessment, and how it has informed the final framework, be made publicly available?
- Does the Department anticipate that Councils will need to amend built form controls in response to the zoning changes – for instance where a new use is permitted in an area?
- Findings of the LEP Review: Council is generally in agreement with these findings and has modified its own LEP as a result. In particular:
 - Generally, when you compare the mandatory uses in the standard instrument with the Wollongong LEP, we permit many additional land-uses within our business zones.
 - Agree that the supremacy of job generating uses is not clear. In respect to the objectives, the Wollongong LEP has additional objectives which relate to encouraging residential accommodation within its B3 commercial core zone. Our draft Planning Strategy recommended the removal of this objective from the Wollongong City Centre B3 zone.
 - Wollongong's Mixed use zones protect commercial outcomes through a requirement for non-residential uses at ground. However, this results in much commercial floorspace (vacant) where it is not needed. The Draft City Centre Planning Strategy proposed removing the requirement for non-residential ground floor uses in the City Centre B4 zone.
 - We have used SP zones to accommodate strategic precincts - ie the University of Wollongong's Innovation Campus, and the Wollongong Hospital precinct. Very clear outcomes must be defined in order for these sites to be protected from residential developer speculation.

Local Centre Zone

- Current SI B1 objectives call for 'small scale development for those who live and work in the area'. The E1 zone adds 'visit'. Neighbourhood centres are critical to provide walkable access to daily needs (groceries etc). We currently struggle to protect these zones from being dominated by vehicle prioritising development which does not provide for local needs. Built form controls will not limit uses which draw from much larger catchments - ie drive through fast food.
- Replacing B1 & B2 with a single zone would appear to lack the nuance desired to achieve the smaller kind of walkable neighbourhood centre that is in alignment with the requirements in the Design and Place SEPP EIE (20 minutes walk of local shops)

PROPOSED EMPLOYMENT ZONES FRAMEWORK

Commercial Centres

- Emphasis on the business and employment focus of commercial centres is strongly supported. The Wollongong City Centre Planning Strategy proposed a number of changes to the City Centre B3 zone to prioritise employment generating uses, including making certain areas of the city centre 'commercial use only', in order to remove the competition from residential and establish a concentrated CBD.

- Council is concerned that the E1 and E2 zones do not allow for enough distinction between a:
 - Regional/Gateway City
 - Major Regional Centre
 - Major Town Centre
 - Town Centre
 - Village centre (local convenience)
 - Small Villages/Neighbourhood shops
- Consideration should be given to how commercial uses are protected if residential uses are added to the land use table.

Productivity Support zone

- Shop-top housing is permitted in Wollongong's B6 zones. Due to the heights and FSR permitted in these zones we are seeing mostly shop-top housing development, and the loss of the 'peripheral services'/ urban services uses. Consideration should be given to how commercial uses are protected if residential uses are added to the land use table.

Mixed Use

- Our current B4 mixed use zones exist on the fringes of B3 commercial cores, providing a transition area between the commercial and residential zones. Wollongong's B4 permits Shop-top housing and our recent work indicated that there was a need to allow more flexibility (in the form of RFBs) in order to prevent the dilution of the commercial core and address high levels of vacancies across ground floor commercial premises.

Local Enterprise Zone

- Why can these uses not be accommodated in a traditional commercial core? Sometimes these precincts - such as Wollongong Uni's Innovation Campus - can be in direct competition with the existing higher order commercial centre.

Definitions

- The *Neighbourhood shop* has been redefined to rely 'on the test of meeting day to day needs'. Is it intended that this includes café services?

Land Use Tables

- These will be discussed in detail in the next section *Standard Instrument (Local Environment Plans) Amendment (Land Use Zones) Order 2021*

BENEFITS OF THE PROPOSED FRAMEWORK

- The reforms should enable an increase in the number of zones, rather than a reduction. This would allow for a better distinguishment between the role and function of different centres.
- The reduced number of zones may clarify purpose in some cases, but in others, like the Local Centre zone, it removes the delineation of the purpose of smaller neighbourhood centres and much larger town centres. Clearer delineation between land use zones could be achieved through more zones that are more defined rather than less.
- Council supports the introduction of new uses and amendment of out of date definitions where appropriate.
- Have DPIE factored in the impacts on land values with regard to additions or omissions from permissible uses – this will influence the type of development delivered.

RESPONSE TO KEY POLICY QUESTIONS

Planning for a centres hierarchy

- Council acknowledges the proposed zoning reform will trigger an elevated need for related development controls to ensure the appropriate scale of development and to maintain existing and desired future character.
- Will State give enough time for Councils to amend related controls in LEPs/DCPs/ and other design guides to ensure poor outcomes aren't realised once more land uses are made available?
- A toolkit on balancing worker convenience retail and out of centre development is welcomed.
- Council requested a similar level of guidance be given in relation to managing residential land use in the Employment Zones.

Simpler and more flexible planning systems

	<ul style="list-style-type: none"> • Council notes the Federal Productivity Commissions finding that the benefits from the Victorian zone reforms (similar) were related to the additional permitted uses rather than the decrease in the overall number of zones. We also note that the initial reduction of 5 to 2 commercial zones, was revised to 3. Council again raises the concern that 2 levels of commercial centre zones (ie E1 Local and E2 Commercial) is too narrow to allow for the retail and business centre hierarchy to work as an effective system with distinct and interdependent parts.
<p>RELATIONSHIP TO OTHER PLANNING REFORMS</p>	<ul style="list-style-type: none"> • The EIE Building Business Back Better proposed a number of changes to the Codes SEPP to increase the amount of complying uses/uses that can access building allowances etc. Council understands the priority for efficient development assessment and approval, but is concerned about the design quality of many complying development outcomes. Has the DPIE done an assessment that looks at the quality of outcomes, not just the number of developments approved? • “the employment zones reform does not intend to impact on the application of the proposed Design and Place SEPP.” Surely it is important that this reform works alongside the D+P SEPP, and is aligned with its objectives and process requirements. Council would appreciate it if DPIE could demonstrate how the reforms are in alignment with the D+P SEPP.
<p>IMPLEMENTATION</p>	<ul style="list-style-type: none"> • Council notes that DPIE have considered the impact on the workload of Councils and how they can assist by providing the first draft of zone application maps and land use tables. However, it will still take a lot of time for Councils to review the new framework and make changes to land use tables etc, as well as considering where changes to DCPS and other policies may be necessary. We will be doing this at the same times as adjusting to changes in the Codes SEPP, and the new Design and Place SEPP. • What criteria will be applied to decide whether any additions to objectives or land uses made by Council’s are accepted?
<p>NEXT STEPS</p>	
<p>APPENDICIES</p>	<p>Key findings: Consultation</p> <ul style="list-style-type: none"> • (point 3) The employment framework does not seem support a strong centres hierarchy. This needs to be clarified. • (point 7) This is true for Wollongong – however, there seems to be very little difference between the current B4 and the proposed MU1. There is no attempt to address the dominance of shop top housing (with vacant ground floors) in these zones.

Standard Instrument (Local Environment Plans) Amendment (Land Use Zones) Order 2021

SCHEDULE 1

[1] CLAUSE 2.1

[2] Clause 2.1

- Is there any proposal to adjust W3 Working Waterways in response to the introduction of W4 Working Foreshore?

[5] LAND USE TABLE

Zone E1 Local Centre	<p>Objectives</p> <ul style="list-style-type: none"> • Live, work and visit covers everyone, how does this work with a centre that is designed to work at a more local level? • Reinstate the objective “To maximise public transport patronage and encourage walking and cycling.” • How is it proposed to assess whether residential development will <i>encourage a vibrant Local Centre</i>? • Would the 4th objective (relating to compatibility with the amenity, character and scale of surrounds) be sufficient to preclude certain land use types from smaller local centres ie: driver through fast food - which are not reflective of the neighbourhood focus of these centres? • What is meant by “a vibrant Local Centre”? A vibrant Local Centre may not be compatible with the amenity, character and scale of surrounding neighbourhoods. <p>Uses</p> <ul style="list-style-type: none"> • Council generally supports more commercial uses within this zone and notes the WLEP already adds multiple uses to the SI LEP. • How is the amenity of residents to be managed in the smaller centres where uses with intensive evening activities would now be permitted (ie function centres?). There is likely to be conflict with residential use and some of the other permitted uses. • Why has “Public administration buildings” been listed when they are permitted under another EPI?
Zone E2 Commercial Centre	<p>Objectives</p> <ul style="list-style-type: none"> • Council is supportive of the clear focus on commercial (employment generating) uses. • Reinstate the objective “To maximise public transport patronage and encourage walking and cycling.” <p>Uses</p> <ul style="list-style-type: none"> • Council notes that residential uses are not recommended in the Land Use table. It is now rare for centres to be commercial only – especially those we wish to be <i>vibrant and active during evenings and on weekends</i>. It is likely that most of these zones will end up including residential uses, or will be restricted to such small areas that they become insignificant. • ‘Home Occupation’ is permitted, but no residential uses are permitted. Is this an error or to cater for existing residential development within new E2 zones?
Zone E3 Productivity Support	<p>Objectives</p> <ul style="list-style-type: none"> • Council supports a clear purpose for this zone that identifies its distinction from other commercial and industrial zones. • The removal of an objective relating to the location of these zones is noted. The Position Paper indicates that these zones occur in the transition space between Commercial zones (E1, E2) and Industrial Zones. Should this be referenced in the objectives? We may see them occurring in other areas and interfacing with uses that aren’t complimentary. <p>Uses</p> <ul style="list-style-type: none"> • The restricted set of specialised commercial uses is supported • Advice on complimentary built form controls for this zone would be appreciated.
Zone E4 General Industrial	<p>Objectives</p> <p>Uses</p> <ul style="list-style-type: none"> • Vehicle repair station & Vehicle body repair, service stations, transport depots are omitted. These are quite a common development in this zone currently (IN1). Should these be limited to MU and E3 zones? • Recreation facilities not permitted in either industrial zone. Currently in Wollongong, we receive lots of DAs for this type of development, appears the only buildings with adequate floor plates/rents are in industrial zoned areas.

- Generally there seems to be very little permitted across the E4 and E5 zone, when compared with what we currently permit across IN1-3.
- Community facilities are not uncommon in this zone due to land values, the proposed changes will impact this.

Zone E5 Heavy Industrial

Zone MU1 Mixed Use	<p>Objectives</p> <ul style="list-style-type: none"> • What is meant by “vibrant, active and safe areas” in the proposed objectives? •
	<p>Uses</p> <ul style="list-style-type: none"> • Why omit RFB’s, multi-dwelling housing and Hotel or motel accommodation but continue to allow seniors housing? This doesn’t align with the first objective.

Zones E2, E3, E4, W1, W2	<ul style="list-style-type: none"> • Local Distribution Premises are not supported as uses across: <ul style="list-style-type: none"> ○ Zone E2 Environmental Conservation ○ Zone E3 Environmental Management ○ Zone E4 Environmental Living ○ Zone W1 Natural Waterways ○ Zone W2 recreational waterways <p>without clear constraints placed upon their size and impact.</p>
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Zone W4 Working Foreshore	<p>Uses</p> <ul style="list-style-type: none"> • Is there an opportunity to include uses related to food and drink offering – where these might occur as part of a working harbour? • Some of the omissions are clearly related to working foreshore uses such as boat sheds and Charter and tourism boating facilities etc. Why have these not been included?
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<p>Clause 5.4 Controls relating to miscellaneous permissible uses</p>	<p>Business Premises – Ambiguity results in this definition often being used in commercial circumstances where no clear land use definition exists e.g. currently assessing a DA for a car wash – which has historically been defined as business premises</p> <p>Neighbourhood shop– It would be helpful to determine whether “day to day needs” include food/drink offering e.g. café offer</p>
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Dictionary definition changes

SCHEDULE 2

Various

OTHER COMMENTS	<ul style="list-style-type: none"> • Were there uses that have been typically include across business and industrial zones that the department has now specifically omitted?
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Employment Zones Implementation Plan

INTRODUCTION

OVERVIEW OF THE IMPLEMENTATION PLAN

FURTHER DETIAL ON THE IMPLEMENTATION PLAN

OTHER COMMENTS

- Would the changes impact existing Design excellences clauses such as those in Wollongong's LEP2009?
 - Has any thought been given to existing use rights (EUR) and have DPIE carried out any investigation as to how many more instances of EUR the proposed changes would create? Could there be a situation where existing EUR are legitimised under the proposed changes?
 - How would the changes affect permitted uses in "prescribed zones" under other EPI's? Would this create any unforeseen issues with regards to permissibility or inadvertently permit undesirable land uses?
 - What impact will this have on Council Plans of Management?
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Proposed Land Use Planning Matrix

Relevant comments included in sections above.

Zone E1 Local Centre

Zone E2 Commercial Centre

Zone E3 Productivity Support

Zone E4 General Industrial

Zone E5 Heavy Industrial

Zone MU1 Mixed Use

Zone SP4 Local Enterprise

Zone W4 Working Foreshore
