

30 June 2021

Director Employment Zones  
NSW Department of Industry and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Ref: SPR 04 / GA 01  
Your ref: -  
Enquiries: [REDACTED]

Dear Sir/Madam

### **NSW Government Employment Zone Reform**

MidCoast Council thanks you for the opportunity to make a submission to the Employment Zone Reforms package.

The following documents have been reviewed by Council as provided in the consultation:

- The Position Paper
- The Draft Standard Instrument Principal LEP Amendment Order
- The Employment Zones Implementation Plan
- The proposed Land Use Matrix

Council hereby provides the following information for your consideration commencing with an introduction to the work MidCoast Council has undertaken as it relates to Employment Zones for adequate context.

#### Background – MidCoast Council Employment Zone Review (EZR)

As part of its strategic planning work program to inform the new MidCoast LEP MidCoast Council prepared and exhibited a document, the Employment Zone Review (EZR), as part of its Urban “Zoning In” project.

As a part of this work, the EZR:

- Analysed the existing business and industrial servicing hierarchy in the MidCoast
- Analysed the application of existing employment zones in the MidCoast and provide consistent application for such zones
- Analysed the existing industrial and business areas of the MidCoast in order to investigate the success of zone application and current and predominant land uses in order to reclassify if needed
- Sought flexibility of land uses to encourage employment lands growth
- Recommended new LEP clauses to encourage vibrant and active employment areas and to cater for new and emerging industries

Parts A and B of the EZR, in addition to other documents presented during consultation that was undertaken in February to April 2020 can be found here: [Zoning in on our future - MidCoast Council \(nsw.gov.au\)](https://www.midcoast.nsw.gov.au/zoning-in-on-our-future)

## Proposed Employment Zones Framework - Zones

As it is proposed, Council understands that the table below demonstrates a translation of the new zoning framework within the Standard Instrument LEP.

<b>Current Zones</b>	<b>New Zones</b>
<b>Business Zones</b>	<b>Employment Zones</b>
B1 Neighbourhood Centre	E1 Local Centre
B2 Local Centre	
B3 Commercial Core	E2 Commercial Centre
B4 Mixed Use	MU1 Mixed Use
B5 Business Development	E3 Productivity Support
B6 Enterprise Corridor	
	<b>Special Purposes Zones</b>
	SP4 Local Enterprise zone
<b>Industrial Zones</b>	
IN1 General Industrial	E4 General Industrial
IN2 Light Industrial	
IN3 Heavy Industry	E5 Heavy Industrial
	<b>Waterways Zone</b>
IN4 Working Waterfront	W4 Working Foreshore

Council hereby offers the following comments in relation to the new land use zone framework:

- Council officers express a high-level of concern regarding the new “Employment” zones “E” labelling which over the last 25 years has been reserved for “Environmental” zones. The “E” label also has no clear relationship to the actual zone names, and without any clear justification of the intent or purpose of this change or any information regarding the “consequential changes to other zones”, proposing such a significant change to the zone categories creates unnecessary and unreasonable uncertainty for Council officers and community members.

It is suggested that almost any alternative labelling would be preferred, on the basis that the zone label also has a clear connection and reflects clear and consistent zone naming i.e. “C” for Commercial zones and retaining “IN” for Industrial zones.

- Council officers express a high-level concern for the removal of light industry and consolidation into one industry zone. Council’s EZR document involved the analysis of all industrial zones in the MidCoast LGA in addition to many other NSW Local Environmental Plans. What this analysis indicated was that:
  - the IN2 zones were predominantly in older industrial service areas often located on the historical urban fringe where suburban residential development has since expanded beyond these areas and hence these IN2 zones are more often than not adjacent to residential environments
  - the IN1 zones were predominantly in purpose built or planned areas where buffers from sensitive land uses could be ensured.

In summary, IN2 Zones are located in areas where impacts of general industry activities would not be acceptable to adjoining residential land uses and suitable buffers cannot be maintained. It is recommended that the light industry zone be retained in some form.

- Council officers’ express concerns regarding the proposed inclusion of the W4 Working Waterways zone on the basis that this zone is for land-based activities and is inconsistent with the broader purpose and intent of “waterways” zones which currently cover existing waterway areas. It is strongly suggested that Working

Waterfront areas instead be transitioned to a “C” Commercial zone as suggested above.

Noting these stated concerns, Council is generally supportive of some land use zone consolidation.

### New Land use Definitions

Council is generally supportive of the new and updated land use definitions and provides the following comments:

- Council officers express concerns that there is potential confusion between the definition of “creative industries” and “artisan food and drink premises”, both being creative outlets. Incidentally, it is noted that Council’s EZR recommended the inclusion of a local clause in the new MidCoast LEP to encourage creative industries from industrial zones similar to a previous clause in the *Byron Local Environmental Plan 2014*.
- Council officers support the flexibility for other commercial on the ground floor of a premises in addition to other floors being used for commercial and/or certain light industrial space.
- Council officers recommend the Department take the opportunity in the Employment Zones Reform to investigate a new definition of “Industrial Caretaker’s Residence” for industrial uses to provide security and live on-site. This would be accompanied with a model LEP clause.
- Council officers recommend that the new definition of “data centre” could include a facility that also stores hard copy files, or stores hard copy files for digitisation and future destruction.
- Council officers recommend that the separation of “trade retail” and “home improvement retail” be reviewed as confusion arises between the accessibility of premises for tradespeople and the general public. Tradespersons and the general public can attend some premises, but other stores are restricted to the public and only through bulk purchasing or trade licences do they do business.

### New Zone Objectives

Council is generally supportive of the new flexible objectives for the new E2 and MU zones and agree to the option in allowing Council’s to categorise their own commercial centre hierarchies for which the EZR has achieved.

Similarly, for the proposed MU zone Council agrees to the flexibility of the zone to be altered to allow a range of business, community, retail and residential land uses given the varying interpretation of this zone across previous pre-merger Council’s in the MidCoast and other NSW LEP’s.

If you have any further enquiries relating to the content of the information provided in this submission please do not hesitate to contact Council’s Land Use Planner [REDACTED]

Yours faithfully

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[REDACTED]

[REDACTED]

[REDACTED]

