



CUMBERLAND  
CITY COUNCIL

14 July 2021

Contact  
Telephone



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

Dear Sir/Madam,

### **SUBMISSION ON THE PROPOSED EMPLOYMENT ZONES REFORM**

Thank you for the opportunity to provide feedback on the draft employment zones framework currently on public exhibition.

Cumberland City Council generally welcomes the proposed changes and draft amendments to the Standard Instrument Local Environmental Plan (LEP), subject to consideration of local issues specific to our LGA and understanding how the reforms align with the consolidated Cumberland LEP when released from the Department.

Please find attached Council's formal submission on the proposed changes, outlining key considerations for Cumberland City.

Cumberland City Council would like to acknowledge the work NSW Department of Planning, Industry and Environment has taken in considering all councils, industry and stakeholder feedback in the drafting of the employment zones reforms to date. We look forward to the continued consultative relationship moving forward, to ensure local interests are respected and protected and potential adverse impacts are minimised as far as possible through the implementation process.

Should you have any queries or require additional information, please do not hesitate to contact [REDACTED]

Yours faithfully [REDACTED]

  
Peter J Fitzgerald  
ACTING GENERAL MANAGER

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16 Memorial Avenue, PO Box 42, Merrylands NSW 2160  
T 02 8757 9000 E [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) W [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)  
ABN 22 798 563 329

Welcome *Belong* Succeed



## CUMBERLAND CITY COUNCIL SUBMISSION ON PROPOSED EMPLOYMENT ZONES REFORM

Cumberland City Council has considered the Department of Planning, Industry and Environment's proposed reform of employment zones, with a view to supporting long-term job creation and encouraging increased productivity across NSW. Council welcomes the overarching aim of the the project to ensure employment zones provide clear strategic intent, include clarity around their application and increase flexibility around land uses.

The rationale and proposed updates to planning controls are generally considered appropriate to promote economic activity and support Council in the delivery of the strategic vision for its centres and employment precincts identified in Cumberland 2030: Our Local Strategic Planning Statement and the Cumberland Employment and Innovation Lands Strategy.

The following comments are provided in relation to elements of the proposal that are relevant to Council and the Cumberland community.

### 1) Draft Employment Zones Framework

Cumberland City Council supports the inclusion of both business and mixed-use zones, along with traditional industrial zones, in the broader definition/consideration of employment lands. This approach recognises the diverse and changing nature of business and industry activity throughout the State and supports Council's priority of providing for a range of local jobs to suit our changing demographic.

More specifically, Council generally supports the proposal to remove existing business and industrial zones in LEPs and introduce a suite of new employment zones, as follows:

- a) **E1 Local Centre** — Council supports the strategic intent of the E1 Local Centre Zone to provide a range of retail, business and community uses, similar to the existing B1 Neighbourhood Centre and B2 Local Centre zones. Whilst Council supports the introduction of a single local centre zone, some concern is raised about the potential increased scope and intensity of uses for smaller scale centres (existing B1 zones). Council will require support from the Department through the implementation process to ensure local development controls set an appropriate scale of development and continue to define the centres hierarchy.
- b) **E2 Commercial Centre** — Council supports the strategic intent of the E2 Commercial Core Zone to provide the principal commercial centre for surrounding areas, proposed to replace the existing B3 Commercial Core. The proposed zone seeks some applicability for B4 Mixed Use and B7 Business Park zones where there is a specific focus on jobs and will permit high density residential as an optional use.

Whilst there are no existing B3 zones in Cumberland City, Council sees an opportunity to work with the Department through the implementation process to investigate if this zone could be appropriate for the Merrylands Town Centre to support its potential as a strategic centre for Cumberland.

- c) **E3 Productivity Support** — Council supports the strategic intent of the E3 Productivity Support Zone to provide a range of facilities and services, light industries, warehouses, and offices, similar to the existing B5 Business Development, B6 Enterprise Corridor and B7 Business Park zones. Whilst Council supports the introduction of a dedicated zone for urban services that supports community and business needs by accommodating emerging technological and creative industries, some concern is raised about the potential increased scope and intensity of uses compared to existing B5 and B6 zones in Cumberland.

To this end, it may be prudent to simultaneously review clause 5.4 Miscellaneous permissible uses in the SI LEP to ensure controls for 'Industrial retail outlets' and 'Neighbourhood shops', for example, meet the objectives of the zone.

In the Cumberland context, this zone is considered to have potential for the Parramatta Road Corridor and parts of the Great Western Highway. It may also be appropriate for some existing IN2 zones to align with the strategic focus identified in the Cumberland Employment and Innovation Lands Strategy.

- d) **E4 General Industrial** — Council supports the strategic intent of the E4 General Industrial Zone to provide a range of industrial, warehouse and related land uses, similar to the existing IN1 General Industrial and IN2 Light Industrial zones. Whilst Council supports the introduction of a single 'general' industrial zone, some concern is raised about the potential increased scope and intensity of uses for smaller scale employment lands, especially where they interface with residential uses (existing IN2 zones).

Council will require support from the Department through the implementation process to ensure local development controls set an appropriate scale of development and continue to protect the amenity of adjoining and nearby sensitive land uses. To this end, Council may consider expanding the application of the draft Cumberland LEP clause 6.11 Buffer between industrial and residential zones to better manage interface issues.

- e) **E5 Heavy Industrial** — Council supports the strategic intent of the E5 Heavy Industry Zone to provide areas for industries that need to be separated from other land uses, similar to the existing IN1 and IN3 Heavy Industrial zones. Whilst there are no existing IN3 zones in Cumberland, there may be a potential legacy issue for an existing gas storage facility in Yennora, currently zoned IN1. Council will work closely with the Department through the implementation process to determine the most appropriate zone for this site.

- f) **MU Mixed Use** — Council supports the strategic intent of the MU Mixed Use Zone to focus on supporting genuine mixed-use development rather than one dominant use, similar to the existing B4 zone. Translation of this new zone into the Cumberland LEP may not be straight forward and will require more detailed review in the context of both Cumberland 2030: Our Local Strategic Planning Statement and the Cumberland Employment and Innovation Lands Strategy. This would require a tailored approach once Council understands the details of this proposed zoning and should not be applied as a direct replacement of existing B4 zones which currently define our Principal Local Centres. Council seeks to work with the Department on the appropriateness of this zone and the E2 zone for our Principal Local Centres.
- g) **W4 Working Foreshore** — Council supports the strategic intent of the W4 Working Waterfront Zone to reflect the existing IN4 Working Waterfront zone. Council notes this zone is not applicable to Cumberland City.
- h) **SP4 Local Enterprise** — Council supports the strategic intent of the SP4 Local Enterprise Zone to introduce a flexible mechanism for unique precincts (for example, special activation precincts and regional jobs precincts). Council notes this zone is not applicable to Cumberland City.

## 2) Proposed amendments to land use provisions

Council generally supports the proposed amendments to land use provisions for the employment zones to provide flexibility for a wider range of uses and deliver greater consistency in the application of employment zones across local government areas. Council also supports the proposed land use provisions in so far as they seek to increase productivity by reducing the need for planning proposals for developments that are considered appropriate within the zone but currently not listed as permitted uses. However, some concern is raised about the following land use conflicts with the direction Council has recently resolved for the new Cumberland LEP.

- a) **Places of public worship** – The draft SI (LEPs) Amendment (Land Use Zones) Order 2021 includes ‘places of public worship’ as a mandatory permitted use (with consent) for the new employment zones (E1, E2, E3 and MU). This directly conflicts with Council’s recently resolved policy position for the draft Cumberland LEP of only allowing new places of public worship in high density residential and industrial zones (R3, R4, IN1 and IN2). In addition, Council has endorsed the inclusion of a local provision for the draft Cumberland LEP requiring a minimum lot size of 2,000 sq.m for places of public worship in the R3 and R4 zones.

Our community articulated their concerns very clearly throughout the draft LEP consultation process, in particular citing how activities associated with the development of public worship and multi-use facilities in Cumberland can result in considerable changes to traffic flow, parking availability and impact on the prevailing amenity of an area. Council’s resolved planning approach for the Cumberland LEP takes into consideration the diverse and differing cultural and religious themes that surround all places of public worship in Cumberland and seeks to balance support for these uses within the community, while at the same time protecting the amenity of low density residential areas and town centres.

Council's position is that Places of Public Worship should be an optional permitted use for Council to select the appropriate zoning, and that the application of this land use as a mandatory use be consistent with the current arrangements outlined in the Standard Instrument LEP (ie. for high density residential and industrial zones only). Consistent with this approach, Council resolved at its meeting of 7 July 2021 that Places of Public Worship be included as a land use permitted with consent in the E4 General Industrial zone.

Council will require support from the Department through the implementation process to ensure the Cumberland LEP continues to appropriately manage this type of development and address community expectations in our centres. Should Places of Public Worship become a mandatory land use, this use should be subject to the minimum lot size provision in the draft Cumberland LEP.

**Commercial premises** – The draft SI (LEPs) Amendment (Land Use Zones) Order 2021 includes certain umbrella terms, such as 'Commercial premises' and 'Tourist and visitor accommodation', as mandatory permitted uses (with consent) for the new employment zones (E1, E2, E3 and MU). Council is concerned that this broadened approach to permissibility will allow certain uses that may not be suitable for smaller scale centres and some targeted mixed-use zones.

For example, currently only subsets of commercial premises are permitted in the B1 Zone in recognition of the small scale of these centres – eg. 'Neighbourhood supermarket' which is separately defined and limited in size to 1,000 sq.m by clause 5.4 of the SI LEP. The risk is that a full-line supermarket under the definition of 'Commercial premises' could potentially occupy the majority of available commercial floor space in a small local centre, effectively eroding the local amenity and centres hierarchy. Similarly permitting 'Commercial premises' in the proposed MU Mixed Use Zone provides opportunity for a 'Retail premises' which may have adverse impacts on the retail viability of nearby local centres. Consideration should be given to maintaining an appropriate scale of 'Commercial premises' commensurate with the defined centres hierarchy, either through additional criteria in clause 5.4 or local provisions in individual LEPs.

- b) **Vehicle body repair workshops and Vehicle repair stations** – The draft SI (LEPs) Amendment (Land Use Zones) Order 2021 includes 'Vehicle body repair workshops' and 'Vehicle repair stations' as a mandatory permitted uses (with consent) for the new E1 zone. Council is concerned these uses may not be suitable in local centres which are typically surrounded by residential areas. These uses are better suited to mixed use and industrial areas where noise and odour impacts can be appropriately managed. Council's recently resolved policy position for the draft Cumberland LEP seeks to prohibit such uses in our local centres. It is recommended that this not be a mandatory permitted use in the zone.

### 3) Duplication of 'E' Zones in the Standard Instrument

Council supports the proposed suite of Employment Zones but raises concern about the potential for confusion with the duplication of 'E' zones under the SI LEP. It is suggested that the new 'Employment' zones could alternatively be considered as 'Productivity' zones. This would both capture the essence of the employment zones reforms and align with the strategic priorities outlined in the Greater Sydney Region and District Plans, for example:

| Proposed SI Employment Zones                                     |                                |                             |                         |                     |  |
|--|--------------------------------|-----------------------------|-------------------------|---------------------|--|
| E1 Local Centre  | E2 Commercial Centre           | E3 Productivity Support     | E4 General Industrial   | E5 Heavy Industrial |  |
| ↓  |                                |                             |                         |                     |  |
| Suggested alternative naming convention – Productivity ‘P’ Zones |                                |                             |                         |                     |  |
| P1 Local Centre  | P2 Commercial Centre           | P3 Productivity Support     | P4 General Industrial   | P5 Heavy Industrial |  |
| ↓  |                                |                             |                         |                     |  |
| Avoid duplication of existing SI ‘E’ Zones                       |                                |                             |                         |                     |  |
| E1 National Parks and Nature Reserves                            | E2 Environmental Consideration | E3 Environmental Management | E4 Environmental Living |                     |  |

#### 4) Process for implementation

Council notes that a final framework will be introduced into the Principal Standard Instrument in September 2021, with the new zones to sit alongside the existing land use tables until such time as the changes are introduced into all relevant LEPs (by mid-2022).

The draft Cumberland LEP is currently with the Department of Planning, Industry and Environment awaiting finalisation. As discussed in this submission, there are several fundamental policy differences in the proposed reform package compared to what Council has endorsed for the draft Cumberland LEP.

In the absence of a finalised Cumberland LEP, Council cannot properly assess how the proposed framework will translate to the Cumberland context.

Once the Cumberland LEP is finalised, Council will be able to properly assess the proposal and commit to the timeframes for review and implementation.