

Our Reference: S017T

30 June 2021

NSW Department of Planning Industry and Environment
GPO Box 39
Sydney NSW 2000

Dear Sir/Madam

RE Proposed Employment Zones Framework - Response to Position Paper

We would like to thank the department for the opportunity to continue to be involved in the development of the Employment Zone Reforms. We have reviewed the position paper and the accompanying Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021.

Council supports the proposed approach to review the existing “employment zones” in NSW with a view to simplifying and providing a framework that is better placed to support Council’s own long-term strategic objectives. The opportunity to rationalise and provide greater flexibility is welcomed.

Whilst we see the opportunities in the reforms, we have two fundamental areas of concern:

1. The use of the letter ‘E’ as the descriptor to the zones; and
2. Whilst acknowledged by the department, we cannot underestimate the impact bushfire recovery has had on our planning teams and the subsequent need for additional resourcing to be able to implement the changes.

As part of preparing this submission we undertook a high-level desktop exercise to determine the most appropriate zones and land uses to replace the existing. This identified that the new zones can be adapted to our shire’s circumstances however there is significant work required to introduce the changes as well as take the opportunity to improve existing land use tables. We hope you find our submission balanced and the department can address these two critical areas as a matter of most importance.

Support for framework

Council:

- Agrees with rationalisation of zones and the intent to have zones focussed on mixed uses and local enterprises and waterways.

- Supports the introduction of updated and new definitions and mandated permitted uses in particular –
 - The definition for creative industries, the updating of shop top housing and the updating of the definition of crematorium to include other process for inurnment.
- Notes that it is critical that we are provided with assistance from a purposefully established flying squad to work closely with Council to ensure that the introduction of the new zones realise an improvement to current arrangements.
- Supports the ability to vary objectives for the zones – however would like to propose ones that better reflect our local circumstances – e.g. In a Batemans Bay mixed use zone, we would like to refer to the role that Batemans Bay plays in the regional activity centre hierarchy.

Areas of potential review

The topics discussed below highlight our concerns or areas for suggested change and we request that they be given serious consideration:

- Council strongly advises against the use of the letter “E” as the identifier for the new zones. Whilst we appreciate that the term being represented is “Employment” and it is consistent with the common practice to use the first letter of the zone, the use of the Term “E” is fraught and will cause concern and confusion with “E” Environment zones.
- In the rural context the environment zones are often contentious. The introduction of new “E” zones will raise unnecessary negative attention to the process - causing delays and confusion and will impose more work on already stretched planning units to manage the implications with our community. We suggest the use of the letter “A” or “AC” zones to represent “activity” or “activity centre zone” as alluded to in the position paper. Whilst the intent of the zones is to provide employment, they are also proposed to focus and drive employment-generating “activity”.
- Ability to introduce additional objective to ensure a place-based focus e.g Mixed use zone having an objective that refers to the role of Batemans Bay as the main regional activity centre in Eurobodalla.
- Council encourages artisan food and drink premises in all commercial zones. Noting that it is permissible in most we request the inclusion of light industrial uses (especially artisan food and drink premises and creative industries) in the proposed E1 Local Centre zone – to better reflect the tourism function of many of our local centres – such as Broulee and Narooma.

Support for assistance

We acknowledge and support the Departments offer to drive much of the upfront process of change including preparing the first draft of zone and application maps and land use tables. From our Councils perspective this reform will not be able to be delivered without the support of the state and in this regard, we are very keen to work with and support a

member of the flying squad to engage with our staff in this process. It is critical that this process is a collaborative one and that there is meaningful dialogue between the flying squad and Council to ensure that the new framework best reflects Council's strategic objectives.

We look forward to being involved further and if in the meantime if you require further information, please contact [REDACTED]

Yours sincerely

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