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Director Employment Zones Reform
Department of Planning, Industry and
Environment
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Dear Madam,

Re: Employment Zones Reforms

Randwick City Council welcomes the opportunity to comment on the proposed employment zone reforms, which are aimed at providing greater flexibility in the planning framework to stimulate jobs growth and productivity. The reforms are being progressed in response to the changing nature of business and industry, such as the growth of online retailers, increased reliance on freight and logistics services, and flexible working arrangements, much of which has evolved due to the Covid-19 pandemic. Key aspects of the reforms include replacing the existing suite of business and industry zones with five new employment zones under the *Standard Instrument Principal Local Environmental Plan (2006)* (SI LEP), expanding land use permissibility within the new zones, and introducing new and revised land use definitions to reflect up to date and emerging business trends.

As an overarching comment, Council is supportive of improvements to the planning system that would stimulate job creation, local business growth and economic recovery out of the COVID-19 pandemic. However, any changes to employment zoning must be contingent on achieving sound environmental planning outcomes particularly given the potential for adverse amenity impacts for residential areas that lie in proximity to business centres and industrial precincts. Moreover, the new employment zone framework must ensure a centres hierarchy (recognising the different character, intensities and service catchments of centres across our City), suitably manage contemporary land use conflicts, retain the quantity of employment and industrial lands and maintain a nexus between zoning and strategic planning.

The following comments are made on specific components of the economic zone reforms to assist in the finalisation of the proposed amendments to the Standard Instrument.

General Comments

Employment Lands Reforms

The employment zones reforms are one part of two parallel reform processes currently underway, with proposed amendments to the Codes SEPP (Complying Development) recently exhibited. The proposed amendments to Complying Development apply to a range of development types within the business and industrial zones, with implementation of changes to be undertaken in accordance with an accelerated time frame ahead of the current employment zones review.

Concerns are raised that by undertaking each reform process in isolation, it makes it difficult for councils and other stakeholders to ascertain at the onset, how each set of reforms may align or

overlap, and the extent of impact upon local government strategic planning and development assessment. As noted in our previous submission, the reform processes would be better placed as part of a complete suite of reforms for employment lands. This would afford councils and other stakeholders' sufficient time to holistically consider the consequences of the proposed changes on the local context.

New E1 Local Centre Zone

The employment zone reforms propose the consolidation of the B1 Neighbourhood Centre and B2 Local Centre zones under a new E1 Local Centre zone, in addition to the expansion of mandated permissible uses which include, amongst many things, amusement centres, and vehicle repair services. Several of these proposed mandated uses are prohibited in the business zones under the Randwick LEP as their level of impact make them more suitable to the industrial zones as opposed to neighbourhood or local centres which abut residential neighbourhood centres.

Concerns are raised that the "one size fits all" approach under the proposed E1 Local Centre zone fails to recognise the centre hierarchy at a fine grain level, including the unique character of neighbourhood centres which service a smaller more intimate catchment, their mix of uses and role in facilitating community interaction. This issue is particularly relevant to Randwick City which has a significant amount of B1 zoned neighbourhood centres spread across the LGA with a defined character comprising small scale shop fronts located within low density residential neighbourhoods. These neighbourhood centres are intrinsically different in character, scale, and purpose compared to the larger local centres which serve a larger catchment, have a wider range of uses and services and greater accessibility to public transport.

Given that centre hierarchy and character differences are expressed via zone objectives, land use permissibility and development standards under the LEP, the proposed new planning framework for employment zones would be problematic for the following reasons:

- The E1 Local Centre zone would remove a long standing centres hierarchy in our city that is well understood in the planning and development process and by the broader community; neighbourhood centres have a distinct character, form and function than local centres in Randwick City and this hierarchy would be eroded under the proposed new zone framework;
- It would be difficult to differentiate between the character, form and function of existing neighbourhood and local centres under the objectives of the proposed E1 Local Centre zone. While it can be argued that the character and intensity of centres would continue to be defined under development standards, zone objectives are none-the-less integral as they reinforce a clear zoning hierarchy, set out the purpose, strategic intent and land use direction for a zone and help to protect and reinforce local character and nature of smaller centres. Specific zone objectives also provides a strong basis in the assessment of development proposals;
- The increase in the number and type of proposed mandated land uses within the employment zones erodes councils' control in local planning, particularly in determining uses that are appropriate to the local context. Councils' should be afforded greater flexibility and autonomy to determine appropriate land use permissibility so that land use conflicts can be appropriately managed and to reflect the desired future character of a centre or precinct;
- A number of mandated lands uses that are currently prohibited in Randwick City's existing business zones (e.g. local distribution centres and vehicle repair stations) would be permissible with consent under the new E1 Local Centre zone. These types of uses (which are ordinarily permitted only in industrial areas in Randwick City), have the potential to create adverse amenity impacts such as noise and odour on residential areas which abut neighbourhood and local centres. Moreover, as noted above, these types of uses also have the potential to erode the established character of our neighbourhood and local centres;

- The reforms have not indicated how land use conflicts are to be managed under the new zoning framework. There needs to be an appropriate transition between the proposed new local centre zone and adjoining residential zones. It is recommended that a mandatory objective be included requiring consideration of amenity impacts to adjoining sensitive land uses;
- Concerns are raised that the new E1 Local Centre zone may be unnecessarily restrictive for 'home occupations' which, according to the reform land use matrix would require development consent. This is at odds with the Randwick LEP which permits home occupation without consent in the B1 neighbourhood centre and B2 Local centre zones. Council has long recognised that 'home occupation' is a low impact use that contributes to the walkability and sustainability of residential neighbourhoods. Mandating home occupation as *development with consent* places an unnecessary onerous burden for residents who may choose to undertake their occupation at home such as within shop top housing. This issue is particularly pertinent given the COVID-19 pandemic where a significant proportion of the workforce are working from home.

New Definition: Creative Industries

Council strongly supports the proposed new definition for 'creative industries' as it would help address current ambiguities for accommodating creative industries in the planning framework.

Council's Night Time Economy Study 2019 and extensive industry consultation has identified that the current planning regime, regulation and red tape is having an adverse impact upon the creative sector in terms of identifying and securing small to medium sized creative space in which to make, exhibit and perform their work.

The current lack of definition for creative industries/ creative spaces under the Standard LEP Instrument has been specifically identified as an impediment to the creative sectors as there is a high level of ambiguity as to where these types of land uses are permissible. For instance, creative spaces in some instances can fall under the definition of 'entertainment venue' under the LEP which also applies to nightclubs, major theatres, halls and public buildings. They can also fall under the category of 'assembly building' (class 9b) under the Building Code of Australia (BCA) which also applies to sports stadiums, railway stations, airports and ferry terminals. Creative spaces such as galleries and the like may also fall under 'information and education' under the LEP.

It is well recognised that creative industries add vibrancy to centres, promote innovation and creativity, contribute to job creation, and help to improve social and cultural capital in our cities. The proposed new definition would help capture occupations that commonly identify as 'creative industries' including traditional and digital media, fine arts and crafts, design and creative products and the activities carried out including production, workshops, display/performance and sale of items. It would help address existing ambiguity by clearly distinguishing these types of uses within the planning framework, which would be a positive outcome for the creative sectors while helping to support the local economy.

It is further recommended that the proposed new definition exclude 'art galleries' which currently fall under the definition of 'information and education' under the Standard Instrument. Art galleries have a lower level of impact than other creative spaces which may generate in some cases off site impacts such as noise. Council's comprehensive planning proposal is seeking to permit galleries in purpose-built shops in the residential zones as development with consent. If galleries are incorporated into the 'creative industries' definition, this may create unforeseen issues given the range of uses and activities the new definition covers and the potential for amenity impacts on surrounding residential neighbourhoods.

Proposed E4 General Industrial Zone

The reforms propose the combining of the IN1 General Industrial and IN2 Light Industrial zones into a new blanket E4 General Industrial zone in addition to a number of new mandated uses that are

currently not permitted under the IN2 Light Industrial zone under the Randwick LEP (e.g. freight transport facilities and general industries).

Concerns are raised about the expansion of permissible uses under the new broader E4 General Industrial zone and the potential amenity impacts for residential areas that are located at the interface. This issue is particularly pertinent to Randwick City, whereby the IN2 Light Industrial zoned areas are located adjacent to residential neighbourhoods where land use conflicts and amenity impacts stemming from noise, traffic generation, and freight movement are particularly sensitive issues.

The IN2 Light Industrial zone is integral in providing for the nuanced character and lower impact light industrial uses such as warehouses. The proposed E4 General Industrial zone has the potential to exacerbate land use conflicts with adjoining residential areas by introducing new uses that are inappropriate for the sensitive context.

Shop top housing

The proposal to update the definition of 'shop top housing' to permit ground floor uses such as light industry raises considerable concern. Amenity impacts on strata residential properties such as noise, loading/unloading and parking/traffic conflicts are likely to result from light industrial activities and will give rise to enforcement issues/resource impacts for local government. Councils are currently managing ongoing conflicts from ground floor activities in strata buildings where noise and vibration transmission is an ongoing problem for residents.

Circular Economy Facilities

Under the proposal, domestic goods repair and reuse facilities are a permitted use in E1 zones. Council supports DPIE's proposal of separating this land use and making it different from Waste Recovery Facilities. However, concern is raised that despite their lighter nature, Circular Economy Facilities can have serious impacts on amenity, especially when they are surrounded by residential areas, which is the case for most B1 zones across Randwick City. In this regard Council questions whether these uses are appropriate in the E1 Zone given the proximity to sensitive land uses.

If these uses are to be made a permissible use in the E1 zone, it is recommended that the proposed definition be amended to exclude the handling of hazardous materials and fuels to minimise adverse environmental impacts. Additionally, consideration should be given to noise management, loading/unloading and waste management requirements within this definition (such as handling of bottles and glasses).

Local Distribution Premises

It is proposed to allow Local Distribution Premises as a permitted use for E1 and E4 zones. Council has no objections to their use in E4 zones, but their use in E1 zones must be supplemented with robust controls on noise, loading and waste management. Similar to 'Circular Economy Facilities', it is also requested that DPIE provides clarity on environmental requirements for dealing with impacts on nearby residential premises such as those within strata titled buildings.

Thank you once again for the opportunity to comment on the proposed employment zone reforms. If you would like to discuss the matters outlined in this submission further, please do not hesitate to contact [REDACTED] on telephone [REDACTED]

Yours Sincerely,

[REDACTED]
Kerry Kyriacou
Director City Planning
[REDACTED]

<p>English</p> <p>If you need help to understand this letter, please come to Council’s Customer Service Centre and ask for assistance in your language or you can contact the Telephone Interpreter Service (TIS) on 131 450 and ask them to contact Council on 1300 722 542.</p>	<p>Greek</p> <p>Αν χρειάζεστε βοήθεια για να καταλάβετε αυτή την επιστολή, παρακαλείστε να έρθετε στο Κέντρο Εξυπηρέτησης Πελατών της Δημαρχίας (Council Customer Service Centre) και να ζητήσετε βοήθεια στη γλώσσα σας ή τηλεφωνήστε στην Τηλεφωνική Υπηρεσία Διερμηνέων (Telephone Interpreter Service — TIS) τηλ. 131 450 και να ζητήσετε να επικοινωνήσουν με τη Δημαρχία τηλ. 1300 722 542.</p>	<p>Italian</p> <p>Se avete bisogno di aiuto per capire il contenuto di questa lettera, recatevi presso il Customer Service Centre del Municipio dove potrete chiedere di essere assistiti nella vostra lingua; oppure mettetevi in contatto con il Servizio Telefonico Interpreti (TIS) al 131 450 e chiedete loro di mettersi in contatto col Municipio al 1300 722 542.</p>
<p>Croatian</p> <p>Ako vam je potrebna pomoć da biste razumjeli ovo pismo, molimo dođite u Općinski uslužni centar za klijente (Council’s Customer Service Centre) i zatražite pomoć na svom jeziku, ili možete nazvati Telefonsku službu tumača (TIS) na 131 450 i zamoliti njih da nazovu Općinu na 1300 722 542.</p>	<p>Spanish</p> <p>A la persona que necesite ayuda para entender esta carta se le ruega venir al Centro de Servicios para Clientes [Customer Service Centre] de la Municipalidad y pedir asistencia en su propio idioma, o bien ponerse en contacto con el Servicio Telefónico de Intérpretes [“TIS”], número 131 450, para pedir que le comuniquen con la Municipalidad, cuyo teléfono es 1300 722 542.</p>	<p>Vietnamese</p> <p>Nếu quý vị không hiểu lá thư này và cần sự giúp đỡ, mời quý vị đến Trung Tâm Dịch Vụ Hướng Dẫn Khách Hàng của Hội Đồng Thành Phố (Council’s Customer Service Centre) để có người nói ngôn ngữ của quý vị giúp hay quý vị có thể liên lạc Dịch Vụ Thông Dịch qua Điện Thoại (TIS) ở số 131 450 và yêu cầu họ liên lạc với Hội Đồng Thành Phố (Council) ở số 1300 722 542.</p>
<p>Polish</p> <p>Jeśli potrzebujesz pomocy w zrozumieniu treści tego pisma, przyjdź do punktu obsługi klientów (Customer Service Centre) przy Radzie Miejskiej i poproś o pomoc w języku polskim, albo zadzwoń do Telefonicznego Biura Tłumaczy (Telephone Interpreter Service — TIS) pod numer 131 450 i poproś o skontaktowanie się z Radą Miejską (Council) pod numerem 1300 722 542.</p>	<p>Indonesian</p> <p>Jika Anda memerlukan bantuan untuk memahami surat ini, silakan datang ke Pusat Pelayanan Pelanggan (Customer Service Centre) Pemerintah Kotamadya (Council) dan mintalah untuk bantuan dalam bahasa Anda, atau Anda dapat menghubungi Jasa Juru Bahasa Telepon (Telephone Interpreter Service - TIS) pada nomor 131 450 dan meminta supaya mereka menghubungi Pemerintah Kotamadya pada nomor 1300 722 542.</p>	<p>Turkish</p> <p>Bu mektubu anlamak için yardima ihtiyaciniz varsa, lütfen Belediye’nin Müşteri Hizmetleri Merkezi’ne gelip kendi dilinizde yardım isteyiniz veya 131 450’den Telefonla Tercüme Servisi’ni (TIS) arayarak onlardan 1300 722 542 numaradan Belediye ile ilişkiye geçmelerini isteyiniz.</p>
<p>Hungarian</p> <p>Amennyiben a levél tartalmát nem érti és segítségre van szüksége, kérjük látogassa meg a Tanácsház Ügyfél Szolgálatát (Customer Service Centre), ahol magyar nyelven kaphat felvilágosítást, vagy hívja a Telefon Tolmás Szolgálatot (TIS) a 131 450 telefonszámon és kérje, hogy kapcsolják a Tanácsházat a 1300 722 542 telefonszámon.</p>	<p>Czech</p> <p>Jestliže potřebujete pomoc při porozumění tohoto dopisu, navštivte prosím naše Středisko služeb pro veřejnost (Council’s Customer Service Centre) a požádejte o poskytnutí pomoci ve vaší řeči anebo zavolejte Telefonní tlumočnickou službu (TIS) na tel. číslo 131 450 a požádejte je, aby oni zavolali Městský úřad Randwick na tel. číslo 1300 722 542.</p>	<p>Arabic</p> <p>إذا أردت مُساعدة لفهم هذه الرسالة، نرجوك الحضور إلى مركز خدمة عملاء المجلس واطلب المُساعدة في لغتك، أو يُمكنك الاتصال بخدمة الترجمة الهاتفية (TIS) على هاتف رقم 131 450 واطلب منهم الاتصال بالمجلس على رقم 1300 722 542.</p>
<p>Chinese</p> <p>如果你需要人幫助你了解這封信的內容，請來市政會顧客服務中心要求翻譯服務，或者與電話傳譯服務 (TIS) 聯繫，號碼是 131 450。請他們幫助你打電話給市政會，號碼是 1300 722 542。</p>	<p>Russian</p> <p>Если Вам требуется помощь, чтобы разобраться в этом письме, то, пожалуйста, обратитесь в Муниципальный Центр Обслуживания Клиентов и попросите оказать Вам помощь на Вашем языке или же Вы можете позвонить в Телефонную Службу Переводчиков (TIS) по номеру 131 450 и попросить их связаться с Муниципалитетом по номеру 1300 722 542.</p>	<p>Serbian</p> <p>Ako vam treba pomoć da razumete ovo pismo, molimo vas da dođete do Centra za usluge mušterijama pri Opštini (Customer Service Centre) i zamolite ih da vam pomognu na vašem jeziku, ili možete nazvati Telefonsku prevodilačku službu (TIS) na 131 450 i zamolite ih da vas povežu sa Opštinom na 1300 722 542.</p>