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KING + CAMPBELL

30 June 2021

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

Dear Sir/Madam

RE: SUBMISSION ON THE EMPLOYMENT ZONES REFORM (EZR)

Reference is made to the Employment Zones Reform currently on public exhibition until 30 June 2021. This submission has been prepared on behalf of St Vincent's Foundation Pty Ltd as the landowners of *Rainbow Beach Estate*, Ocean Drive, Lake Cathie. To assist with your consideration of this submission, please find enclosed the following:

- Attachment 1 – Overall Site Master Plan DA 2016/465

From the information exhibited by the Department it is understood that the proposed Employment Zones Reform aims to include:

- Greater flexibility within proposed zones;
- Vibrant and viable centres for communities;
- Support for the city to develop and meet the operational needs of businesses and communities;
- Innovation for emerging land uses and unique precincts that require a flexible planning response;
- Increase in jobs closer to homes reduces journey to work;
- Greater business output potential.

Providing flexibility in the planning system to respond to the needs of the local community is particularly important in regional areas such as Port Macquarie where the scale of development and the proximity to alternative options for employment and services is not comparable to that offered in a metropolitan area.

Rainbow Beach Estate is part of the Greater Lake Cathie – Bonny Hills Urban Growth Area in the Port Macquarie Hastings Local Government Area. The estate has been part of numerous planning processes including:

- Strategic planning for the Greater Lake Cathie – Bonny Hills Urban Growth Area, resulting in amendments to the Port Macquarie Hastings Local Environmental Plan 2011 (PMH LEP 2011) and the Port Macquarie Hastings Development Control Plan;
- Development assessment planning including:
  - Concept Plan Approval MP 06\_0085;
  - Project Approval MP 07\_0001; &
  - DA 2016/465.

Attachment 1 illustrates the approved Rainbow Beach Estate Site Master Plan. As shown, the project provides for the following:

urban design  
civil engineering  
architecture  
town planning  
landscape architecture  
surveying

#### directors

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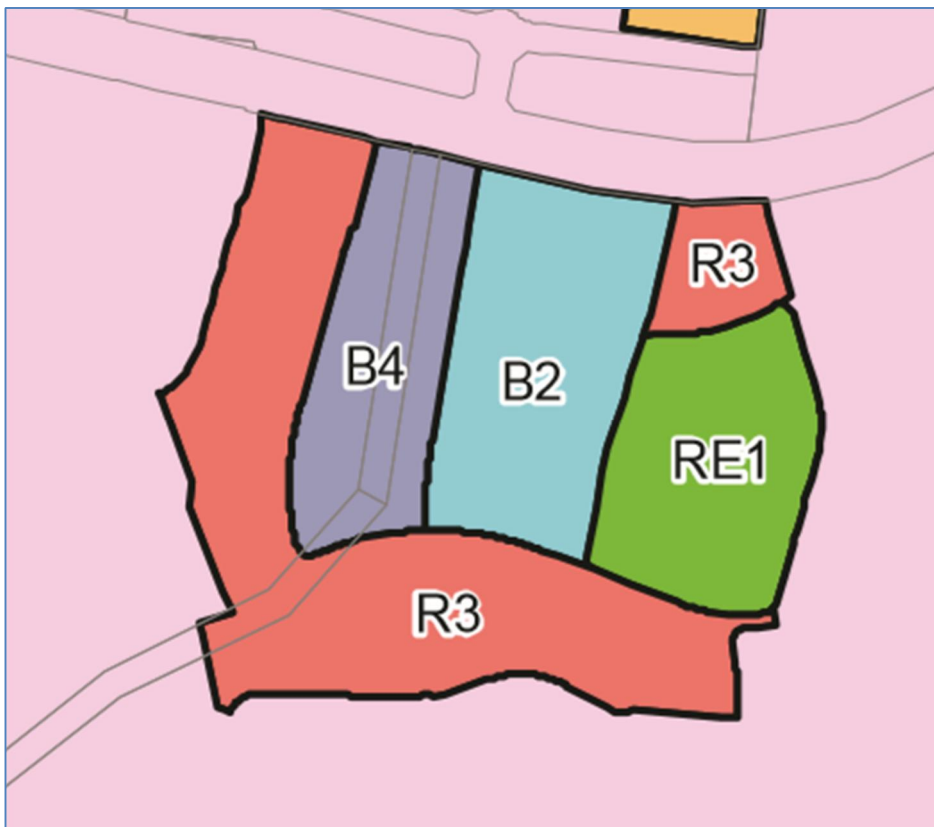
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- A residential subdivision comprising 680 residential lots and 11 medium density development lots;
- A Village Centre;
- District sporting fields; and
- Environmental lands.

The Village Centre is yet to be developed, with a development application currently being prepared for the built form components of the centre. As such, the changes proposed by the Employment Lands Reform are particularly relevant.

The proposed Village Centre area is currently zoned partly B2 Local Centre & partly B4 Mixed Use as illustrated in the figure below.



The zoning tables for the existing zones in PMH LEP 2011 are as follows.

## B2 Local Centre

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hostels; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Caravan parks; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

## B4 Mixed Use

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; High technology industries; Home industries; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

**4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Camping grounds; Car parks; Caravan parks; Cemeteries; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial training facilities; Industries; Marinas; Mooring pens; Mortuaries; Open cut mining; Pond-based aquaculture Research stations; Residential accommodation; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wharf or boating facilities

Based on the material exhibited by the Department as part of the Employment Lands Reform consultation, it is understood that the following changes are proposed:

- B2 Local Centre to become either E1 Local Centre or E2 Commercial Centre; and
- B4 Mixed Use to become either E2 Commercial Centre or MU1 Mixed Use.

The proposed mandated changes to the subject zoning tables are as follows.

#### E1 Local Centre

<b>2</b>	<b>Permitted without consent</b>
<b>3</b>	<b>Permitted with consent</b> Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Domestic goods repair and reuse facilities; Entertainment facilities; Function centres; Home businesses; Home industries; Home occupations; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals
<b>4</b>	<b>Prohibited</b> Pond-based aquaculture

#### E2 Commercial Centre

<b>2</b>	<b>Permitted without consent</b>
<b>3</b>	<b>Permitted with consent</b> Amusement centres; Artisan food and drink industries; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Domestic goods repair and reuse facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Home industries; Home occupations; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals
<b>4</b>	<b>Prohibited</b> Pond-based aquaculture



## MU1 Mixed Use

<b>2</b>	<b>Permitted without consent</b>
<b>3</b>	<b>Permitted with consent</b> Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations
<b>4</b>	<b>Prohibited</b> Pond-based aquaculture

At present, both the B2 Local Centre and B4 Mixed Use zones in PMH LEP 2011 are 'open' zones as they include the following provision in the 'permitted with consent' part of the table:

'Any other development not specified in 2 or 4'

In addition, we note the following uses which are currently permitted with consent in the B2 & B4 zones, however, are not mandated as being permitted with consent in the proposed E1, E2 or MU1 zones.

- Educational establishments is currently a nominate use permitted with consent in the B2 zone, however, is not mandated as a nominate use permitted with consent in the proposed E1 zone;
- High technology industries is currently a nominate use permitted with consent in the B4 zone, however, is not a mandated nominate use in the proposed E2 zone;
- Home businesses is currently an innominate use permitted with consent in the B4 zone, however, is not a mandated nominate use in the proposed MU1 zone;
- Home occupations is currently an innominate use permitted with consent in the B4 zone, however, is not a mandated nominate use in the proposed MU1 zone;
- Hostels is currently a nominate use permitted with consent in the B2 & B4 zones, however, is not a mandated nominate use in any of the proposed E1, E2 or MU1 zones;
- Passenger transport facilities is currently a nominate use permitted with consent in the B2 zone, however, is not mandated as a nominate use permitted with consent in the proposed E1 zone;
- Public administration buildings is currently an innominate use permitted with consent in the B2 & B4 zones, however, is not a mandated nominate use in the proposed E2 or MU1 zones;
- Recreation facilities (major) is currently an innominate use permitted with consent in the B2 & B4 zones, however, is not a mandated nominate use in the proposed E1 or MU1 zones;
- Recreation facilities (outdoor) is currently an innominate use permitted with consent in the B2 & B4 zones, however, is not a mandated nominate use in the proposed E1 or MU1 zones;
- Registered clubs is currently a nominate use permitted with consent in the B2 zone, however, is not mandated as a nominate use permitted with consent in the proposed E1 zone;

- Residential flat buildings is currently a nominate use permitted with consent in the B4 zone, however, is not a mandated nominate use in the proposed E2 or MU1 zones;
- Restricted premises is currently a nominate use permitted with consent in the B2 zone, however, is not mandated as a nominate use permitted with consent in the proposed E1 zone;
- Seniors housing is currently a nominate use permitted with consent in the B4 zone, however, is not mandated as a nominate use permitted with consent in the proposed E1 zone;
- Service stations is currently a nominate use permitted with consent in the B2 zone and is currently an innominate use permitted with consent in the B4 zone, however, is not mandated as a nominate use permitted with consent in the proposed E2 or MU1 zone;
- Shop top housing is currently a nominate use permitted with consent in the B2 & B4 zone, however, is not mandated as a nominate use permitted with consent in the proposed E2 zone; and
- Veterinary hospitals is currently an innominate use permitted with consent in the B4 zone, however, is not a mandated nominate use in the proposed MU1 zone.

It is understood that the Department has identified proposed mandated uses only and that Councils will ultimately be responsible for determining whether a zone is open or closed and the extent of the nominate and innominate uses permitted with consent.

However, in response to the exhibition material, we seek the following from the Department:

- Confirmation that the proposed E1, E2 and MU1 zones may be made 'open' zones by Council; and
- Amendments to the mandated uses permitted with consent in the proposed E1, E2 & MU1 zones to ensure that they include at least the nominate uses permitted with consent in the B2 & B4 zones as applicable.

We thank you for the opportunity to make this submission. Should you require any further information, please do not hesitate to contact the writer.

Yours sincerely  
King & Campbell Pty Ltd



Scott Marchant  
Director

cc Client