

May 2021

Frequently Asked Questions for Stakeholders & Local Government

This document answers frequently asked questions regarding the proposed employment zones reform.

How does this relate to other reforms?

The NSW Government is undertaking a significant reform program across the planning system to improve assessment time frames, reduce red tape, eliminate double-handling and fast-track projects that deliver great public benefits to the people of NSW. A number of these reforms are directly related to the employment zones reform, these include expanding complying development and the Greater Sydney Commission's review of the 'retain and manage' industrial lands policy. More information [can be found in the position paper here](#).

Having regard to the proposals included in *Building Business Back Better* Explanation of Intended Effect (EIE) for expanded complying development, that work will be looking at mechanisms to support employment lands. One such mechanism could be a calling up of *Cl. 5.4 Controls relating to miscellaneous permissible uses*. As part of the final harmonisation of these two reform programs Cl. 5.4 could capture 'shops' where they are added by councils as permissible with consent in the proposed E3 Productivity Support zone. This mechanism would support the viability and vibrancy of centres and protect the value of employment lands by encouraging shops to locate in existing centres. Accordingly, councils in any submission to the department are encouraged to nominate in instances where shops are permitted with consent in existing B5, B6 and B7 zones a potential maximum floor area.

How is build to rent housing being included in the new framework?

Build to rent (BTR) housing is large-scale, purpose-built rental housing that is held in single ownership and professionally managed. BTR is allowed anywhere where residential flat buildings are permitted, as well as in the current zones of B3 Commercial Core, B4 Mixed Use zones and B8 Metropolitan Centre zones. The provisions for BTR will also apply under the employment zones. More information about BTR is available [here](#).

How to manage existing planning proposals or DAs in the system?

The employment zones reform will not delay or defer planning proposals that are currently underway. Comprehensive Local Environmental Plan amendments or a site-specific rezoning will proceed unimpeded by the changes. The department will work with proponents and local government to facilitate translation into the new framework when it is introduced, building on the strategic work that has already been undertaken.

The department is working through savings and transitional arrangements for planning proposals that are currently underway.

For councils who are yet to undertake their comprehensive LEP review, or are in the preliminary stages of the review, consideration should be given to how that work could progress under the proposed employment zones framework.

Savings and transitional arrangements will extend to undetermined development applications. Further information on these arrangements will be provided as the reforms progress.

What do the upcoming local government elections mean for this reform?

The department has been working closely with councils to determine the timing of the reform to facilitate briefing of councillors and provide a formal council submission on the position paper prior to the commencement of the caretaker period for Local Government Elections in September.

After the elections, the department will work with local government to brief incoming councillors on the reforms to ensure they are brought up to speed quickly and the benefits of the reforms are not delayed.

My council does not have resources to implement this reform. What help is the department providing to implement this reform for councils?

The department recognises the impact the new employment zones framework will have on councils who have been actively participating in the development and implementation of other reform programs, and dealing with the impacts of natural disasters and the global pandemic.

The department will provide support to councils through measures designed to reduce the burden on council resources and provide for the best possible productivity and planning outcomes. These include:

- Toolkits providing detailed information on topics important to councils, community and industry such as:
 - Supporting local provisions
 - Characterisation of zones
 - Discussion on open zones, and
 - Guidance on amending local policies.
- Moving map delivery to the spatial viewer so that councils will no longer be required to prepare individual PDF maps.
- The department will prepare the first round of mapping and draft land use tables based on feedback we have received through workshops, survey results and local strategic plans. These plans and tables will be provided to councils for review. The department will help all councils to support delivery of the maps within the spatial viewer.

The department has heard that councils would appreciate more technical planning support in the zone translation process. The department is investigating options to provide meaningful planning support.

How has my previous comments/input informed this paper?

The team has considered all feedback provided by stakeholders and councils through the online survey, meetings, workshops and correspondence. This reform seeks to balance the interests of all stakeholders, generate productivity gains and deliver good planning outcomes.

Will we get to see a draft before it is finalised?

The department has engaged extensively with local government and stakeholders on the policy and substance of these reforms. The position paper outlines the intent of the zoning framework as well as the detailed changes required to the Standard Instrument - Principal LEP. Now is the opportunity to review the detail of the reforms and provide comment.

What happens if we want implementation to occur at a specific time?

The department is coordinating implementation so that councils will not be required to prepare individual planning proposals. Please contact the Employment zones reform team to discuss timing and any preferred approach for implementation.

All Local Environmental Plans are intended to be brought across to the new employment zones framework by mid-2022. This is to avoid uncertainty for businesses and communities created by having a dual zoning system.

What about non-SI LEPs i.e. previously deferred areas?

Non-standard LEPs will not be impacted by the amending order. If, however the instrument calls up the Standard Instrument Dictionary or land use zones, any required changes will be managed through consequential amendments in consultation with councils.

How to manage retail uses in areas that allow urban services and creative industries?

We recognise that in certain locations, where permitted, retail land uses may form the highest and best use and out-compete other businesses for land.

Councils will maintain the ability to control the permissibility, size and scale of specific retail uses in accordance with their strategic plans. In some instances, additional local provisions may be developed.

Why are some policy initiatives included in the position paper not reflected in the draft legislation, such as the consolidation of land use terms?

The employment zones framework is informed by a qualitative and quantitative evidence base including upfront stakeholder and local government engagement. The potential land use term consolidation was not discussed as part of upfront engagement therefore it is not as well developed as other aspects of the framework. Accordingly, it has not been included in *Draft Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*.

We are continuing to receive comments from stakeholders which will inform the draft framework. Where the policy intent has been developed, it has been included in the exhibited position paper for public comment. If supported these changes will be included in the Amendment Order.