

Item No: R5 Recommendation to Council
Subject: **UPDATES TO THE WOOLLAHRA DCP 2015 IN RESPONSE TO THE EMPLOYMENT ZONE REFORMS**
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File No: 23/159378
Purpose of the Report: To obtain Council's approval to prepare and exhibit a draft development control plan to amend the Woollahra Development Control Plan 2015 in response to the employment zone reforms.
Alignment to Delivery Program: Strategy 4.5 Ensure that planning and building requirements are complied with.

Recommendation:

THAT Council:

- A. Receives and notes the report on the updates required to the *Woollahra Development Control Plan 2015* in response to the employment zone reforms.
- B. Resolves to prepare and exhibit a draft development control plan to amend the *Woollahra Development Control Plan 2015* to include updated references to land use zones.

Executive Summary:

The Department of Planning and Environment (DPE) made changes to business and industrial land use zones in all local environmental plans (LEPs) across New South Wales. The employment zone reforms aimed to support long-term economic recovery through job creation and encourage increased productivity across the state.

The purpose of this report is to seek Council's endorsement to prepare and exhibit a draft development control plan (Draft DCP) to amend the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015). The Draft DCP will update the Woollahra DCP 2015 so that its naming conventions are consistent with the amendments made via the employment zone reforms, which have already been incorporated into the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

Discussion:

Background

In 2021, the NSW Department of Planning and Environment inserted new employment zone names into the *Standard Instrument (Local Environmental Plans) Order 2006* (the Order). The new employment zone names replaced previous business zone names and included the merging of some former zones and the introduction of minor permissibility updates. The new names were intended to support small and medium sized business by providing a simplified zoning framework that would foster productivity and jobs growth.

On 16 December 2022, *State Environmental Planning Policy Amendment (Land Use Zones) (No 6) 2022* (the SEPP) came into force. It formally introduced new employment zone names into the Woollahra LEP 2014 that were mandatory for every local government organisation in the state. The changes came into effect on 26 April 2023.

The key changes that applied to the Woollahra LEP 2014 were:

- Land zoned B1 Neighbourhood Centre and B2 Local Centre was merged and replaced with a new zone called E1 Local Centre; and
- Land zoned B4 Mixed Use was replaced with a new zone called MU1 Mixed Use.

These changes are shown in **Figure 1** below:

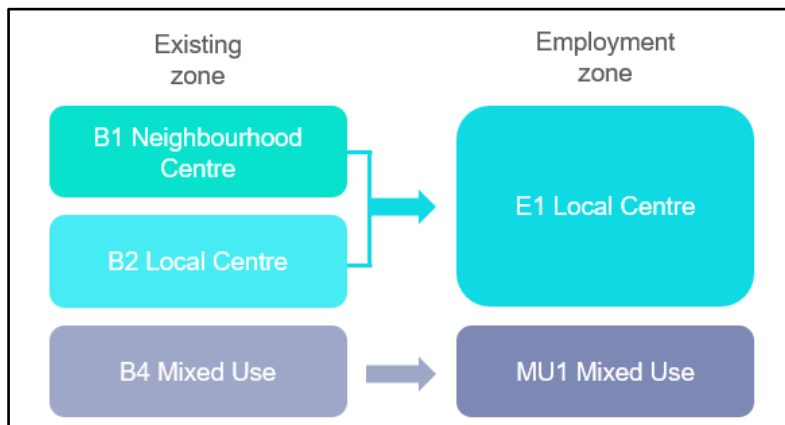


Figure 1: Relevant employment zone name changes to the Woollahra LGA.

The new E1 Local Centre and MU1 Mixed Use zones introduced new mandatory zone objectives and amendments to the land uses that are permitted or prohibited in those zones. For Woollahra, these changes were generally minor in nature and did not affect the way that existing landowners and businesses use their land in the LGA.

The intent of the local provisions was to protect the existing scale and amenity of our centres, while balancing their role to provide employment and business opportunities. This was achieved by making the following additional amendments to the Woollahra LEP 2014:

1. Inserting new local zone objectives for the E1 Local Centre and MU1 Mixed Use zones
2. Strengthening the intent of our existing local zone objectives which were carried over into the E1 and MU1 zones
3. Inserting a new Part 6 Additional local provision to clearly establish our centres hierarchy. This provision provides further considerations for development assessment for proposals in smaller centres zoned E1 Local centre. These considerations seek to support the character of the centre, the amenity of neighbouring residences and have regard to the role of the centre within the centres hierarchy established in the Woollahra Local Strategic Planning Statement 2020.

Consequential amendments to the Woollahra DCP 2015

The SEPP included a savings and transitional clause which maintained permissibility for two years. The savings and transitional clause will cover all documents such as DCPs and planning certificates that currently reference a business or industrial zone, allowing staff two years to arrange to have these documents updated. Staff have already made the necessary administrative updates to relevant forms and guidelines. However, Council's endorsement is now required to prepare a Draft DCP to facilitate the required updates to the Woollahra DCP 2015.

Accordingly, we seek Council's approval to prepare and exhibit a Draft DCP to update the changes that were made via the employment zone reforms. These changes should take place prior to the expiration of the two year transitional period, to allow for the effective application of our controls.

The Draft DCP will amend the Woollahra DCP 2015 by ensuring that all references to B1 Neighbourhood Centre and B2 Local Centre are updated to refer to E1 Local Centre. All references to the B4 Mixed Use will be changed to MU1 Mixed Use. These changes are administrative in nature, and will bring the Woollahra DCP 2015 in line with the Woollahra LEP 2014. No other changes will apply.

Options:

As a consequence of this report Council may resolve to:

1. Prepare a Draft DCP to amend the Woollahra DCP 2015, and request staff to place it on public exhibition (this is the staff recommendation).
2. Not make any changes to the Woollahra DCP 2015. However, after the two year period expires, this will impede our ability to apply and enforce controls that rely on land use zones.

Community Engagement and / or Internal Consultation:

If Council supports the proposed amendments to the Woollahra DCP 2015, the next step is to prepare and exhibit a Draft DCP. The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021* and the *Woollahra Community Participation Plan 2019*.

A Draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the Wentworth Courier each week of the exhibition and on Council's website. The outcome of the public exhibition will be reported to a future meeting of Council.

Policy Implications:

Should Council resolve to support and finalise the Draft DCP after exhibition, there would be policy implications as the Woollahra DCP 2015 would be amended. These changes are administrative in nature to bring the Woollahra DCP 2015 into alignment with mandatory changes made to the Woollahra LEP 2014 via amendments to the Standard Instrument.

Financial Implications:

Should Council resolve to progress a Draft DCP, there will be financial implications to facilitate the public exhibition.

Resourcing Implications:

Should Council resolve to progress a Draft DCP, staff resources will be associated with managing the public exhibition and preparing a post exhibition report to a meeting of Council.

Conclusion:

Staff recommend preparing and exhibiting a Draft DCP to amend references to employment zones in the Woollahra DCP 2015. These changes are administrative in nature and would make the Woollahra DCP 2015 consistent with mandatory amendments made to the Woollahra LEP 2014. The outcomes of the public exhibition will be reported to a future meeting of Council.

Attachments

Nil