

16 April 2008

The Hon. Frank Sartor MP
Minister of Planning
Level 34 Governor Macquarie Tower,
1 Farrer Place,
SYDNEY NSW 2000

Dear Minister

Re: Removal of North Sydney Council's planning powers

We're writing to you concerning a decision by Justice David Lloyd of the Land and Environment Court that has been made public today.

The decision concerns North Sydney Council.

As you know, the council's Mayor is Genia McCaffery, who also serves as President of the Local Government Association. Under Ms McCaffery's leadership, North Sydney Council should be setting an example for all others to follow. That's why today Court decision is particularly disappointing.

Justice Lloyd has delivered a stinging rebuke to the Council. In his 37 page judgment, Justice David Lloyd struck down a proposed new local environment plan for North Sydney's central business district.

The Court found that the council had made a series of misrepresentations about the plan.

Firstly, the council had misled the community by denying its plan could reduce residential development in North Sydney's centre.

The council should have been up-front with the community about its plans to reduce the potential for new homes in North Sydney's heart. The plan was embarrassingly inadequate and prohibits further residential development within the centre.

Good urban design means that housing, workplaces, shopping, and recreation areas should be encouraged within walking distance of each other and major public transport hubs like North Sydney. North Sydney's centre is a great place to provide the new compact, pedestrian-friendly, mixed-use neighbourhoods our city so desperately needs.

It's disappointing that not only did the Council propose a plan that could have reduced residential development in North Sydney's centre – it misled the public about its intentions.

Secondly, Justice Lloyd also said that the public was misled by council's assurances that its plan would deliver the necessary commercial floor space for North Sydney's business district.

Without renewal and growth, North Sydney's centre will fall short of the goals set for it by the State Government. The NSW Government's metropolitan strategy says North Sydney, together with the Sydney CBD, makes up "Global Sydney".

It is supposed to be a focus for world class business, tourism, cultural, health, education and entertainment activities. The council's plan only aims for an extra 250,000 square metres of additional commercial floor space.

The Court has confirmed that it's unlikely to even meet this modest target. The plan was a sham – relying on redevelopment on five particular sites to meet its target, but failing to acknowledge that redevelopment of three of the sites is not viable.

It also failed to encourage the replacement or redevelopment of older buildings because it requires the buildings to be kept within the existing footprints. Shadowing rules mean even the slightest increase in the height or shape of a building could lead to the refusal of a development application.

Thirdly, the council passed off its property manager (PRP) as an independent consultant. The consultant had ticked off that the plan satisfied key development milestones.

Incidentally, Justice Lloyd also criticised the council for ignoring a submission by the Urban Taskforce, saying that it was an “important submission that ought to have been considered.”

When a judge of the Land and Environment Court finds a council has misled the public we have to question the fitness of the council to make crucial planning decisions.

We submit to you that North Sydney Council should be stripped of planning responsibility for the North Sydney centre, and an independent panel should be appointed.

Yours sincerely

Urban Taskforce Australia

A handwritten signature in black ink that reads "Aaron Gadiel". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Aaron Gadiel
Chief Executive Officer