

6 November 2008

Mr Peter Brown
General Manager
Lane Cove Council
PO Box 20
LANE COVE 1595

Dear Mr Brown

Re: Draft Lane Cove Local Environmental Plan 2008

The Urban Taskforce represents Australia's most prominent property developers and equity financiers. We provide a forum for people involved in the development and planning of the urban environment to engage in constructive dialogue with both government and the community.

We have reviewed the draft local environment plan for Lane Cove and identified some issues of concern. We thought it best to bring these concerns to your attention.

Our concerns are generally outlined below and **there is a summary of the changes we have requested in an attachment to this letter.**

1. Limiting development in Lane Cove town centre to preserve a centres hierarchy

The DLCLEP attempts to faithfully translate the subregional strategies into reality. This would be a highly desirable outcome if the strategies were beneficial for a local area. However DLCLEP, like the draft subregional strategies, restricts commerce, prevents choice and attempts to ban the evolution of centres.

The DLCLEP says it is an objective for the Lane Cove town centre

[t]o ensure that this centre retains its role of "local centre" in the hierarchy of lower North Shore retailing and to permit development for the purpose of offices, community and other facilities that conform with the village character

What this really means is that growth in this centre will be limited with the objective of protecting and ensuring greater growth in other centres in the subregion. This approach is not responsive to community needs. In particular, it fails to recognise that restricting development in one locality will not necessarily mean the same level of development will occur in the favoured location. Development opportunities are likely to be lost to the community as a whole.

The "hierarchy of lower North Shore retailing" can only be taken to mean the hierarchy of centres outlined in the subregional strategy along with centre typology and radii. This is nothing less than a defacto incorporation of the subregional strategies directly into a statutory plan. Courts will only be able to apply and make sense of this requirement by reference to the subregional strategies and are empowered by this provision to apply them direct when determining development applications.

How will this work? Well, Lane Cove has been defined as a "town centre". "Town centres"

have one or two supermarkets, community facilities, medical centre, schools, etc. Contain between 4,500 and 9,500 dwellings. Usually a residential origin than employment destination. Radii – 800m

Therefore, because Lane Cove already contains its quota of supermarkets, a decision-maker is obliged to have regard to the objectives for a zone when considering development applications. An additional supermarket would be inconsistent with the objectives for the zone and therefore is unlikely to be approved.

If there was any doubt about interpretation of the reference to the hierarchy in the objective for Lane Cove town centre, it would be cleared up by reference to the aims of the DLCLEP.¹ Clause 1.2(d) says

in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enable the employment capacity targets of the Metropolitan Strategy to be met, provide employment diversity and are compatible with local amenity, including the protection of the existing village atmosphere of the Lane Cove Town Centre,

There should be no references to a centres hierarchy in the DLCLEP and nor should the DLCLEP seek to limit the growth of the town centre, other than through objective development controls (such as floor space ratios).

2. **“Moderate” development only in Lane Cove town centre**

The DLCLEP also says it is an objective for the local centre zone

[t]o preserve the character of the Lane Cove Town Centre by encouraging a *moderate scale* of development [emphasis added]

What is a “moderate scale” of development? This subjective phrase should never appear in a statutory plan.

If there is a desire to prohibit buildings of a particular bulk and scale then the plan should clearly say so and set out the applicable floor space ratio restrictions. Such rules allow developers to make acquisition decisions and prepare development applications with some confidence about an outcome. Subjective words such as “moderate” mean different things in the hands of different decision-makers – it is a recipe for confusion, legal disputation and inconsistency.

The objectives do not merely summarise the specific controls for a zone. They actually are an additional mechanism of development control that can be used to block development that would otherwise be permissible. That is, the development can comply with the height and floor space ratios, but nonetheless be rejected because, in the opinion of a particular decision-maker, it is not a “moderate scale” development.

This means the Council will be empowered to prevent retail, offices or entertainment facilities being developed in the area – even when they improve community amenity and meet specific controls. Given the politicisation of the local development assessment process, this is a significant disincentive to invest in these kinds of developments in Lane Cove.

Subjective terminology such as “moderate-scale development” should be removed from DLCLEP.

3. **“Small-scale” development in other centres**

Terms including “small strip of shops, one or small cluster of shops” are constantly used in the subregional strategies and despite assurances by the Department of Planning that the definitions and typology is “indicative”, local councils such as Lane Cove have used these in their LEP.

Council has adopted definitions and/or faithfully applied the subregional philosophy to the local government area. One need only look at the description of local centres in the Inner North Subregional Strategy and compare this to the Zone B1 (neighbourhood centre) objectives contained in the DLCLEP. A neighbourhood centre is defined in the subregional strategy as “one or a small cluster of shops and services...”.

The zone objectives for Neighbourhood Centre in DLCLEP includes:

To provide a range of *small-scale* retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. [emphasis added]

Subjective terminology such as “small-scale development” should be removed from DLCLEP.

¹ Section 25(3) of the Environmental Planning and Assessment Act makes it clear that if a provision of a local environment plan is genuinely capable of different interpretations, that interpretation which best meets the aims stated in that instrument is preferred.

4. **A wide range of retail activity prohibited in neighbourhood centres**

Neither "retail premises", nor "shops" are permitted uses in neighbourhood centres. This flies in the face of the zone objective to provide

... retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

Neighbourhood shops are permitted, however these are defined to be

... retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

This means a shop in a neighbourhood centre:

- must sell "small daily convenience goods";
- the purpose of the goods must be to satisfy day-to-day needs; and
- must be directed to people who live or work locally.

In short, shops of any size are banned in neighbourhood centres, if they sell either: large grocery items, clothing, music, homewares or electrical goods.

A florist who wants to set up shop in a neighbourhood centre will have to argue that flowers are a "small daily convenience good" and "satisfy day-to-day needs" of locals. Good luck. A small shop that sells iPods, mobile phones and person radios will be banned. As will a baby clothes shop. Where is the public interest in prohibiting these low impact uses (via zoning) from areas that are supposed to be about providing retail services?

"Retail premises" should be a permitted use in neighbourhood centres.

5. **Residential development banned in the commercial core, discouraged in the local centre**

The Urban Taskforce strongly opposes the proposal to prohibit residential development in the commercial core of St Leonards. If the council is serious about creating a lively, active and safe urban centre, then residential must be permitted.

Additionally the floor space ratio of 0.5:1 for "shop top housing" in the local centre zone clearly limits the ability to get meaningful mixed residential/retail developments approved in the Lane Cove town centre. This is a massive penalty for anyone who wants to pursue a mixed use development, given that the floor space ratio for other development is 2:1.

Many successful places include a mix of uses, including jobs, retail, entertainment and residential apartments all coexisting. These different uses can work together to make a centre attractive and successful at all times of the day and week. Centres without retail, entertainment and residential uses can be lifeless, cold and uninviting places outside of business hours.

It is well understood that "land use patterns have a significant influence on how well public transport services can be delivered and utilised."² By introducing more land use flexibility in the vicinity of new transport infrastructure, the infrastructure itself benefits in terms of patronage, and therefore viability. Without an appropriate mix of complementary land uses, people will be less inclined to use public transport, as their ability to access a variety of destinations will be limited.³

Residential flats and shop top housing should be permissible in the commercial core.

² Alford, G., 2006, Integrating Public Transport and Land use Planning – Perspectives from Victoria. *Australian Planner*, Vol. 43, No. 3, pp. 6-7.

³ Cervero, R., Ferrell, C., and Murphy, S. 2002, Transit-Oriented development and Joint Development in the United States: A Literature Review. Transit Cooperative Research Program. Research results digest. October 2002—Number 52 [http://onlinepubs.trb.org/Onlinepubs/tcrp/tcrp_rrd_52.pdf, accessed 7 April, 2008]

The floor space ratio for “shop top housing” in the Lane Cove town centre should not be lower than the floor space ratio for other kinds of development.

6. Ground floor retail mandatory in centres when developers want to build residential

Residential flats and multi-dwelling housing (townhouses) are not permitted uses in the neighbourhood centre and local centre zones.

This means any residential development in these areas must be in the form of “shop top housing”. It necessitates ground floor retail - limiting the opportunities for townhouse development. Apartment construction might be permissible (subject to floor space restriction and height controls), but only when the ground floor is used for retail. If there is insufficient demand for retail space, developers are forced by these rules to build retail space that can be empty and underused –leading to a ghost town atmosphere in these important localities.

Local and neighbourhood centres can be mixed centres without the requirement that each individual development contain a mix of uses. **Multi-dwelling housing and residential flats should be permissible in neighbourhood centres and local centres.**

7. Strata-style problems introduced to apartment construction

The chances of developing apartments in high density residential zones have been significantly reduced by a zone objective which says developments should

avoid the isolation of sites resulting from site amalgamation ...

An additional objective says

ensure that the existing amenity of residences in the neighbourhood is respected [emphasis added]

These provisions empower landholders whose lot might be located near proposed apartment developments to extort developers into buying them out. If a developer does not pay an overblown price for the property concerned, the landholder can lodge an objection and the council may feel obliged to reject an otherwise compliant development application on these grounds.

In effect, this introduces the sort of buffer zone requirements that have existed for years for mines to apartment development. In mining, it is routine for mining operators to pay many times market value to nearby landholders in order to secure a buffer zone around their very noisy and polluting operations.

Apartments bear absolutely no relationship to any aspect of heavy industry, and nor is the development of apartments anywhere near as profitable as operating a mine.

These objectives will significantly increase the cost of development, sterilise opportunities to meet Sydney's future housing needs and give NIMBY landholders a right to veto nearby apartment construction.

Objectives limiting development that may isolate sites and objectives which guarantee the existing amenity of nearby residences should be removed from the high density zone.

8. Back door height and floor space restrictions through zone objectives

The commercial core and mixed use zones have an objective

[t]o maximise sunlight for surrounding properties and the public domain.

Again, it's important to note that objectives of this kind are an additional control on top of the any specific height or floor space restrictions set out in the local environment plan or the development control plan.

By stating this objective, a decision maker is specifically empowered to refuse permission for a development on the grounds that it deprives sunlight to someone, even when the development complies with any specific standards on height and floor space. This is nothing more than regulatory-double dipping.

Almost every development of any significant height will deprive someone of at least a small amount of sunlight. This open ended approach increases the regulatory risk of seeking to develop in the St Leonards commercial core and any mixed use zones.

The objective is already stated in clause 4.3(1)(b) in reference to the prescriptive height requirement set out in clause 4.3. There is no need for it to appear as an objective for each zone, if it does so, courts will endeavour to give the words additional meaning, beyond the mere application of clause 4.3.

The objective relating to sunlight should only appear in the clause specifically related to height controls.

9. Landscaping requirement imposes defacto setbacks

The ability to build conventional shops in the neighbourhood centre zone, the mixed use zone, the local centre zone and light industrial zone has been restricted with the inclusion of an objective requiring

landscaping [to be] a significant element in public and private development viewed from the public domain.

Conventional shops sit on the property-line, directly fronting the pavement. There is no opportunity for many of these developments for any landscaping to be incorporated. This objective effectively requires a setback in order that there is land available in front of a shop for landscaping.

It's important to note that objectives of this kind are an additional control on top of the permissible uses table and the development control plan. By stating this objective, a setback requirement is introduced, even when no such set back is specified elsewhere in the DLCLEP or the development control plan.

The objectives on landscaping should be qualified, such that they only apply when proposed premises are to be set back from the property line.

10. Floor space ratios that discourage town house development

The floor space ratio for multi-dwelling housing (town houses) in "area 1" is set at 0.4:1 while the floor space ratio for other kinds of development in the same area is 0.5:1. This is inappropriate.

A floor space ration of at least 0.75:1 is necessary if town house development is to be encouraged in an area.

The punitive floor space ratio for town house development in area 1 should be dropped.

11. Floor space ratios in development control plan given the status of law

Clause 4.4(2) is the normal Standard Instrument provision on floor space ratios:

The floor space ratio of a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Clause 4.4(4) – an additional provision inserted by Lane Cove Council - says that

Despite sub-clause (2), the maximum floor space ratio for a building is to be determined partly by the Floor Space Ratio Map and partly by controls within a development control plan.

A DCP is supposed to be a policy instrument that carries persuasive rather than statutory force. However clause 4.4(4) will have the effect of giving the DCP statutory force.

We draw your attention to the comments of Priestley JA in *Leichhardt Municipal Council v Minister for Planning* (1995) 87 LGERA 78, concerning a situation on where a draft regional environment plan (REP) made reference to relevant DCPs. The clause in question stated that

[a] building may be erected with a height in excess of the provisions of clause 20 ... if, in the opinion of the consent authority, ... building heights are consistent with limits set down within any development control plan prepared by the Director of Planning from time to time for the land.

Priestley JA said

... the reference in the draft REP as exhibited to building heights consistent with limits set down in a DCP may well have given those limits the force of law ...

Clause 4.4(2) should be deleted and any more generous floor space ratio provisions contained in the development control plan should be incorporated directly into the local environment plan.

12. Restrictions on floor space linked to use

Neighbourhood shops are prohibited if they have a floor area greater than 300-400 square metres (depending on whether the shop fronts a local or regional road).

Consumers will pay much more for groceries at small retail outlets. In his report *Choice Free Zone*, Professor Allan Fels found that larger format stores offer up to 18 per cent less for basic food items and up to 28 per cent less for other household products. The Australian Government's Bureau of Infrastructure, Transport and Regional Economics found that consumers paid 17 per cent more when they did not have ready access to a large format grocery store.

Surely what matters to the community are the bulk and scale of developments and off-site noise and traffic impacts? Bulk and scale issues can be dealt with by floor space ratio restrictions. Noise and traffic impacts can be objectively addressed as part of the development assessment process. **Prohibitions on floor space area at the zoning stage, particular those linked to certain uses, are inappropriate and should be removed.**

13. Prohibition on neighbourhood shops

Under clause 6.6 there is a clause allowing development consents for neighbourhood shops to be refused in Lane Cove Business Park if they are not located adjacent or very near other neighbourhood shops.

The DLCLEP includes this provision in the name of reducing vehicle kilometres travelled; however, it is far from clear that the provision will have this effect. In fact, such a provision is likely to reduce the walkability of the business park, by preventing neighbourhood shops being established within walking distance of different parts of the park

Clause 6.6, which requires neighbourhood shops to be concentrated in one place – should be deleted.

14. Prohibition on retail premises in light industrial zones

This light industrial zone does not permit retail premises.

The Metropolitan Strategy said that retailing in industrial areas be permitted when it has operating requirements akin to industrial uses.⁴ There was also a promise of a new approach to reinvigorate employment lands, including flexible zonings for industrial and commercial activities in established employment lands served by efficient public transport.⁵

There is potential to include a wider range of retail activities in industrial areas without jeopardising industrial activities. This could be achieved by including retail as a permitted use in this light industrial zone, with the inclusion of an additional objective to the zone that states:

that the zone will provide for bulky goods retailing and other retail that is either ancillary to an industrial use, has operating requirements akin to industrial uses or demonstrable offsite impacts akin to industrial uses.

Retail premises should be permitted in the light industrial zone as per the Metropolitan Strategy.

⁴ Metropolitan Strategy – Supporting Information 105, B4.1.2.

⁵ Ibid 63, A1.4.2.

15. Apartment development in medium density zones

Residential flat buildings are an essential form of housing that can deliver desirable housing outcomes in areas well serviced by essential infrastructure – yet they are banned in the medium density zone in the DLCLEP, just as they were in the recent gazetted *Liverpool Local Environment Plan 2008*.

Low and medium rise residential flat buildings meet the zone objective to “provide for a suitable visual transition between high density residential areas and lower density areas.”

Tragically, residential flat buildings were to be a mandatory permissible use in all medium density zones, until, amendments were suddenly made to the Standard Instrument just before Christmas last year.

Residential flat buildings should be added as a permitted use in medium density zones in the DLCLEP 2008.

16. Choice of zones

The need to adopt a standardised comprehensive LEP is an opportunity for local councils to display initiative and properly study a local area and hence a better plan for the future. As the following examples illustrate, the Council has mostly considered the locality as it is today and has not properly considered the future. Opportunities to provide for significant residential growth, particularly in the vicinity of centres such as Lane Cove and St Leonards have been neglected.

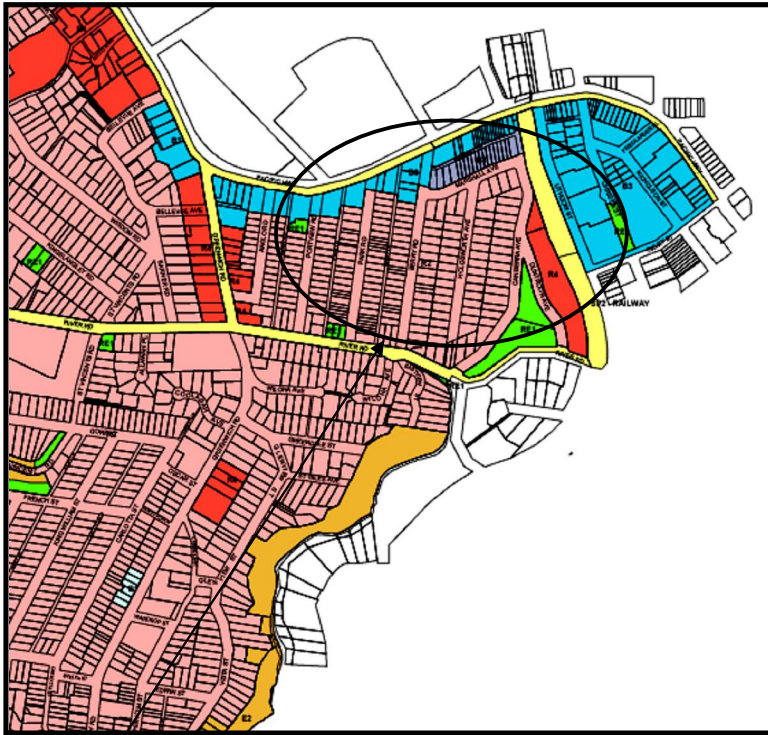


Figure 1

Figure 1 depicts a portion of DLCLEP Map 4.

Of particular concern is the zoning of a residential area as R2 Low Density Residential. This locality is in close proximity to the St. Leonards Centre, is in easy walking distance to high quality public transport (rail) and the existing street pattern is regular and permeable. The residential block is also easily accessible by road and is bounded by Zone B3 - Commercial Core and Zone R4 - High Density Residential.

This location is ideally suited to Zone R4 - High Density Residential.

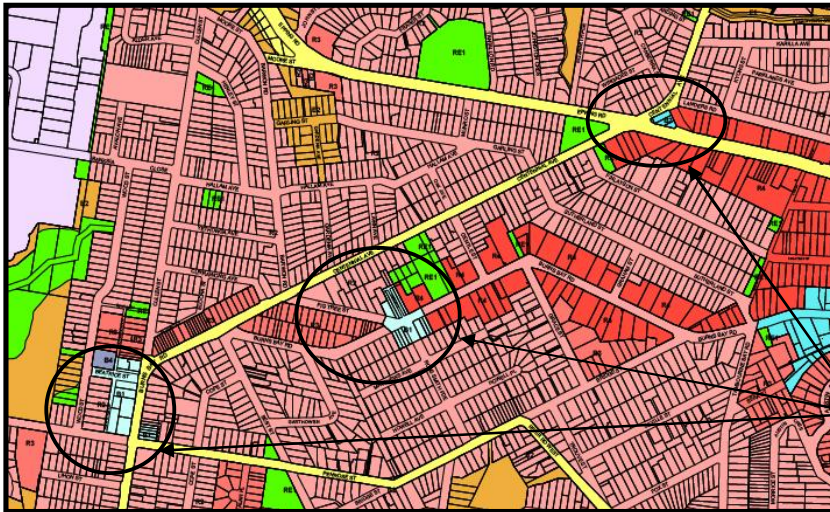


Figure 2

Figure 2 depicts a portion of DLCLEP Map 1.

These low density residential zones surrounding centres are ideally suited to Zone R4-High Density Residential.

The centres currently zoned B1-Neighbourhood Centre are not appropriate in this context. They should be given a local centre or mixed use zoning. These centres are surrounded by residential development, which in time will increase in density. These centres deserve the opportunity to grow and evolve. The argument that these areas do not need more extensive shopping facilities does not consider future growth in this locality and the economic benefits offered by exposing existing retailers/landlords to the threat of competition.

17. **Aims of the plan**

Section 25(3) of the *Environmental Planning and Assessment Act* makes clear that if a provision of a local environment plan is genuinely capable of different interpretations, that interpretation which best meets the aims stated in plan is preferred.⁶ For this reason, it's important that the aims of the DLCLEP are rational, well written and understandable.

Ecologically sustainable development

Clause 1.2(2)(a) of the DLCLEP says that the plan aims

to establish, as the first land use priority, Lane Cove's sustainability in environmental, social and economic terms, based on ecologically sustainable development, inter-generational equity, the application of the precautionary principle and the relationship of each property in Lane Cove with its locality,

At best this objective is unclear (in particular the reference to a "first land use priority"). At worst this statement has no meaning. Either way it is not well drafted.

It is not necessary to invoke the principle of ecologically sustainable development specifically in a local environment plan because it is already adequately covered in section 5(a)(vii) of the *Environmental Planning and Assessment Act 1979* ("the Act"). After all, the DLCLEP will only be a subordinate law made under the Act.

Furthermore the Act already defines the phrase "ecologically sustainable development" to mean all of the things set out in section 6(2) of the *Protection of the Environment Administration Act 1991*. This includes concepts such as "inter-generational equity" and "the precautionary principle". Section 11 of the *Interpretation Act* makes clear that when the phrase "ecologically sustainable development" is used in a local environment plan, it has the same meaning as in the Act.

In short, the clause 2(2)(a) of the DLCLEP should be deleted, or if it is not to be deleted, simplified so that it takes advantage of the existing definition of ecologically sustainable development and is more easily understood.

Character must be able to evolve

Clause 1.2(2)(b) says it is an aim the plan

to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies in accordance with the indicated expectations of the community ...

Localities should be able to change and evolve, both physically and culturally, without a disproportionate emphasis being given to what exists now at the expense of what a locality might be like in the future.

Successful places have evolved into their current state over a period of time based on the choices of residents, workers, shoppers, employers and business operators. Inflexible planning controls are a recipe for artificial contrived places.

For these reasons the DLCLEP should not attempt to freeze the current character of an area. An attempt to create a static environment may lead an area to degrade, particularly if the original rationale for a locality's character loses relevance.

The reference to "the indicated expectations of the community" will create major problems. What are the indicated expectations of the community? Indicated by whom? Indicated at the time the DLCLEP is gazetted, or as the community's expectations change from time-to-time? Is the community in a particular locality, the whole local government areas, the city or the State? How will the community's expectations be established – by survey, through politicians or objections?

⁶ See, for example, *Jim Rannard & Associates Pty Ltd v North Sydney Municipal Council* (1992) 75 LGR 274.

In clause 1.2(2)(b) the word “existing” and the phrase “in accordance with the indicated expectations of the community” should be deleted.

Zero impact on natural environment

Clause 1.2(2)(f)(ii) says it is an aim of the plan is

to ensure that development does not adversely affect the water quality or ecological systems of riparian land or other areas of natural environment...

This aim literally requires that development does not adversely affect any part of the natural environment. Given that the “natural environment” has a very wide meaning, which embraces the atmosphere itself, it is very difficult to find any development that has a zero impact. For example, a new car park may encourage more people to drive their cars. This necessarily involves emitting carbon dioxide into the atmosphere (the natural environment). Therefore such a development is contrary to the aims of the DLCLEP. The requirement should be re-phrased to mean something more specific.

Clause 1.2(2)(f)(ii) should be re-written to recognise the need to ensure that any impacts on the natural environment are acceptable.

Control of all alterations

Clause 1.2(2)(f)(iii) says it is an aim of the plan

to control all new buildings, extensions and alterations to ensure their compatibility with surrounding existing built form and natural environmental character, and...

Surely it cannot literally be the intent of the DLCLEP to control all new buildings, extensions and alterations? Surely some development – such as internal modification to a household kitchen will continue to be exempt?

Can “compatibility” be “ensured” at all times? For example, there may be a pressing need for a new child care centre in an area, with no site available that is compatible with the existing built form. Surely in such a circumstance it should be okay to approve the development if other safeguards are satisfied?

Clause 1.2(2)(f)(iii) should be more qualified and recognise that development should be compatible with surrounding built forms to the extent that it is practicable to do so.

Sustainable traffic levels

Clause 1.2(2)(f)(iii) says it is an aim of the plan

in relation to the principle of integrating land use and transport, to relate development to sustainable traffic levels,

What is a “sustainable traffic level”? We support ecologically sustainable development which

requires the effective integration of economic and environmental considerations in decision-making processes ...⁷

However while the phrase “sustainable traffic level” sounds like a nice idea, it doesn't actually have a meaning in the English language. The word “sustain”, in this context, means ‘to replenish’. A traffic level that replenishes itself is clearly a ludicrous idea. We suspect all the council is trying to say is that they like ecologically sustainable development. If so, they don't need to say it in the DLCLEP because it's in the Act (see above). The problem with including meaningless phrases in statutory instrument is that a Court is obliged to struggle very hard to find a meaning for them. This can lead to unexpected outcomes.

Clause 1.2(2)(f)(iii) should be deleted as it duplicates existing provisions on ecologically sustainable development.

⁷ Section 6(2) of the Protection of the Environment (Administration) Act 1991.

The Urban Taskforce asks that you carefully consider the contents of this correspondence and attachment.

We would welcome the opportunity to meet and discuss these issues.

Yours sincerely

Urban Taskforce Australia

A handwritten signature in black ink that reads "Aaron Gadiel". The signature is written in a cursive style with a long, sweeping horizontal line extending from the end of the name.

Aaron Gadiel
Chief Executive Officer

Draft Lane Cove Local Environment Plan 2008

Summary of Urban Taskforce's Recommendations

1. There should be no references to a centres hierarchy in the DLCLEP and nor should the DLCLEP seek to limit the growth of the town centre, other than through objective development controls (such as zoning, height controls and floor space restrictions).
2. Subjective terminology such as "moderate-scale development" should be removed from the DLCLEP.
3. Subjective terminology such as "small-scale development" should be removed from the DLCLEP.
4. "Retail premises" should be a permitted use in neighbourhood centres.
5. Residential flats and shop top housing should be permissible in the commercial core.
6. The floor space ratio for "shop top housing" in the Lane Cove town centre should not be lower than the floor space ratio for other kinds of development.
7. Multi-dwelling housing and residential flats should be permissible in neighbourhood centres and local centres.
8. Objectives limiting development that may isolate sites and objectives which guarantee the existing amenity of nearby residences should be removed from the high density zone.
9. The objective relating to sunlight should only appear in the clause specifically related to height controls.
10. The objectives on landscaping should be qualified, such that they only apply when proposed premises are to be set back from the property line.
11. The punitive floor space ratio for town house development in area 1 should be dropped.
12. Clause 4.4(2) should be deleted and any more generous floor space ratio provisions contained in the development control plan should be incorporated directly into the local environment plan.
13. Prohibitions on floor space at the zoning stage, particular those linked to certain uses, are inappropriate and should be removed.
14. Clause 6.6, which requires neighbourhood shops to be concentrated in one place – should be deleted.
15. Retail premises should be permitted in the light industrial zone as per the Metropolitan Strategy.
16. Residential flat buildings should be added as a permitted use in medium density zones in the DLCLEP 2008.
17. Zoning should provide for significant residential growth, particularly in the vicinity of centres such as Lane Cove and St Leonards.
18. Clause 2(2)(a) of the DLCLEP should be deleted, or if it is not to be deleted, simplified, so that it takes advantage of the existing definition of ecologically sustainable development and is more easily understood.
19. In clause 1.2(2)(b) the word "existing" and the phrase "in accordance with the indicated expectations of the community" should be deleted.
20. Clause 1.2(2)(f)(ii) should be re-written to recognise the need to ensure that any impacts on the natural environment are acceptable (rather than insisting on zero impact on the natural environment).
21. Clause 1.2(2)(f)(iii) should be more qualified and recognise that development should be compatible with surrounding built forms to the extent that it is practicable to do so.
22. Clause 1.2(2)(f)(iii) should be deleted as it duplicates existing provisions on ecologically sustainable development.