

14 February 2011

Mr Sam Haddad
Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

By email: rosalind.louis@planning.nsw.gov.au

Dear Mr Haddad,

**Re: Draft Standard Instrument (Local Environmental Plans) Amendment
(Zone B8 Metropolitan Centre) Order 2010**

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 understand that the Department of Planning is considering the *draft Standard Instrument Local Environmental Plans Amendment (Zone B8 Metropolitan Centre) Order 2010*. This amendment proposes to insert Zone B8 Metropolitan Centre as a business zone in the standard instrument. The Department of Planning argues that this is needed

to reflect the unique identification of Sydney and North Sydney CBDs in the NSW Metropolitan Strategy as Global Sydney Strategic Centre.

Furthermore, the Department of Planning has also placed a draft practice note on exhibition that seeks to explain the use of the proposed Zone B8. This practice note advises that the decision to permit residential land uses in the B8 zone will be a matter for the relevant planning authority (council). However, when deciding whether to permit residential land uses, the council will need to demonstrate that:

- the provision of residential land uses will not adversely impact on the principle purpose of land within the B8 Metropolitan Centre to provide employment and,
- there is sufficient floor space capacity to support residential land uses in addition to employment related land uses.

We acknowledge Sydney and North Sydney are somewhat unique and that the proposed addition to the standard instrument will only be available for use in principal local environmental plans for these local government areas. We also note that residential development is not expressly prohibited in the proposed zone B8. However, **we oppose this proposal for the reasons set out below.**

1. The change is unnecessary and an undesirable precedent will be set

Surely the careful use of existing B3 "Commercial Core" and/or B4 "Mixed Use" zones, with the appropriately worded local zone objectives, would provide ample opportunity for Sydney and North Sydney Councils to express their "uniqueness". No argument has been provided to demonstrate the need for this new zone, or why such a zone is preferred over the use of the existing zones. The Standard Instrument already has 34 zones. Is this not enough?

Not only is the change unnecessary, it will set an undesirable precedent.

If made, this amendment will pave the way for other councils to seek the creation of new zones to reflect the "unique" identification of their centres. For instance, Parramatta has been identified as Sydney's second CBD. Therefore, what stops this council from seeking a special zone to better represent the status of this centre?

The *Metropolitan Plan for Sydney 2036* identifies the potential for the emergence of new regional cities at Blacktown and Campbelltown. The local councils for these centres could surely argue that there is a need to create new centre zones to represent the “unique” growth potential of these centres. Applying this same logic, the councils of other regional cities such as Gosford, Newcastle and Wollongong could argue that these centres are unique and should also be allocated a specific unique zone. There are other specialised centres such as Macquarie Park and Port Botany that are currently important employment centres that have and will continue to develop specific characteristics around research, import/export and distribution. Should these centres also be provided with unique zoning?

2. Zone objectives are poorly worded

While the Urban Taskforce objects to the introduction of a new zone as detailed above, if a new zone is to be introduced, the Department of Planning and the Councils of the City of Sydney and North Sydney must work together to formulate zone objectives that are clearly stated and actually mean something.

For instance, the three clumsy zone objectives could be reworded to be less verbose and convey objectives clearly and in plain English. If these objectives are trying to convey that Sydney and North Sydney are special, global centres and that a multitude of land uses must be permitted, then they should be worded to say so. These objectives could be as simple as:

- To enable land uses consistent with an area's status as a key part of a global city;
- To provide a mix of compatible land uses, including business, office, retail, high density residential, entertainment and tourist uses that serve the workforce, visitors and wider community.

Zone objectives must be clear, concise and be written so that they are not ambiguous and the achievement of the objective may be readily tested.

3. Residential land uses must be a mandatory permitted land use

We are strongly opposed to the use of this process to create a new zone with new objectives that would facilitate the prohibition of residential opportunities within city centres.

If the government is serious about creating a lively, active and safe city centre, then residential land use must be actively encouraged.

The existing *Sydney Local Environmental Plan 2005* defines the city centre zone in the same way as the proposed amendment. The city centre zone includes the zone objective:

- (d) to provide for increased residential development with appropriate amenity and to ensure the maintenance of a range of housing choices,

Therefore, it is essential that the permissibility of residential uses in the proposed zone B8 not be left to the local council to determine. Rather, residential land uses should become a mandatory permitted land use within the zone B8.

Limiting the city centre to only commercial uses is not only unimaginative and restrictive but is also in conflict to contemporary planning philosophy, including *Sustainable Sydney 2030*, *Metropolitan Plan for Sydney 2036* and *Sydney City Draft Subregional Strategy*. These strategies all predict significant population growth in the City of Sydney and signal the need for additional dwellings.

For the 2004 to 2031 period a subregional housing target of 55,000 additional dwellings was set for Sydney City. This target has been recently revised in the *Metropolitan Plan 2036* to 61,000 for the 2006-2036 period. While we understand that these targets are set for the entire Sydney City local government area, limiting the location of where new dwellings may be provided will definitely hinder the delivery of this target.

We are passionate about initiatives that allow a diversity of land use mixes and we believe that successful places include a mix of uses, including jobs, retail, entertainment and residential apartments all coexisting, working together to make a centre attractive and successful at all

times of the day and week. Commercial cores without retail, entertainment and residential uses are lifeless, cold and uninviting places outside of business hours.

A vibrant, active global city needs a variety of land use including residential uses. Global cities such as New York, London, Paris and Singapore recognise the value and contribution that residential land use makes to the success of their cities and make allowance for residential opportunities.

In summary, I confirm that the Urban Taskforce does not support the proposed amendment to the Standard Instrument as this amendment:

- is unnecessary;
- creates the impression that 34 zones in the Standard Instrument are not enough;
- creates an undesirable precedent; and
- is inconsistent with contemporary planning principles for the creation of vibrant, active and competitive global cities.

However, if the NSW Department of Planning was insistent on advancing this amendment, then the Department should redraft the zone objectives and include high density residential uses as a mandatory permissible (with consent) land use.

Should you require any further clarification of the content of this correspondence, please feel free to contact me.

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