

5 October 2012

Mr Neil Felmon
Director, Planning Operations Coordination
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

E-mail: jared.char@planning.nsw.gov.au

Dear Mr Felmon,

Re: Draft LEP Practice Note – Schedule 1 Additional Permitted Uses

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

The Urban Taskforce has reviewed the *draft LEP Practice Note - Schedule 1 Additional Uses* and while we support the appropriate use of Schedule 1 and the general content of the draft Practice Note, we take this opportunity to again highlight the urgent need for flexibility in the areas of land use permissibility and zoning when drafting standard instruments. That is, there would not be a need for Schedule 1 if zoning tables did not contain long lists of prohibited land uses in the first place. If the determination of permissible land uses was centred around meeting zone objectives and compatibility with prevailing environmental conditions, there would not be a need to include a means of allowing an otherwise prohibited use to occur on the land as is the case with schedule 1.

It is argued that the need for Schedule 1 would not exist, or at least be minimised if zoning tables simply contained a number of clear objectives for the zone supported by a list of obviously permitted land uses. However, other, non-listed land uses would not be prohibited outright, rather, other land uses would be permitted if it could be demonstrated that such land use satisfied zone objectives and would not give rise to unacceptable environmental impact.

The Urban Taskforce has made numerous submissions to Government on the importance of flexibility and/or a more inclusive approach to land use and zoning. We advocate for a planning system that is capable of considering all types of land use against a clear set of criteria. Outright prohibitions are not necessary if a zone is provided with clear objectives and a plan includes clear and reasonable development standards. By adopting such an approach to land use and zoning, allowance for unforeseen circumstances and innovation is built into the plan, removing the need for mechanisms such as Schedule 1 and potentially, spot rezonings for many cases.

We are always willing to provide a development industry perspective on planning policy and we would welcome the opportunity to discuss these issues with you in more detail. Should you have any further enquires in relation to this submission please feel free to contact me on telephone number 9238 3927.

Yours sincerely

Urban Taskforce Australia

A handwritten signature in blue ink, appearing to read 'Chris Johnson', with a long horizontal flourish extending to the right.

Chris Johnson, AM
Chief Executive Officer