

14 November 2012

The Director General  
Project Delivery Unit  
Department of Planning and Infrastructure  
GPO Box 39  
Sydney NSW 2001

E-mail: [troy.loveday@planning.nsw.gov.au](mailto:troy.loveday@planning.nsw.gov.au)

Dear Mr Haddad,

**Re: Draft Planning Circular – How to characterise development**

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 *Planning Circular – How to characterise development*, and while we have no particular concern with general content of the draft Planning Circular, we take this opportunity to again highlight the urgent need for flexibility in planning. That is, there would not be a need for this practice note and the many others released by the Department of Planning and Infrastructure, if planning regulation focused on the broader planning issues and did not get bogged down in the micro regulatory matters. That is, planners and planning authorities seem obsessed with defining and subcategorising all possible land uses. This adds complexity and causes confusion, particularly when a land use does not fit a defined land use.

We argue for a broader macro approach to land use definition. We support the principle that land uses are easily grouped in categories of residential, commercial, retail, industrial, agriculture, community, health etc. Boarder, commonly used, plain English descriptions of land use is needed. Not complex, detailed and numerous micro definitions.

Less and broader land use definitions would make determination of permissibility clearer and simpler, leaving planning regulation and development application determination processes to focus on meeting zone objectives and compatibility with prevailing environmental conditions, not on legal argument centred around whether a land use should be defined as a neighbourhood shop or shop or whether a land use is bulky goods or hardware and building supplies or whether bulky goods can be sold from a hardware and building supplies premises, but only if it can be established that the sale of bulky goods is not the principal purpose of the development. The arguments, like the growing list of land use definitions, are endless.

The Urban Taskforce argues that a simpler and clearer planning instrument is one that includes zoning tables that contain a number of clear objectives for the zone supported by a list of obviously permitted, broadly defined 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:

- complexity;
- the constant need for amendments to the instrument; and,
- the stream of practice notes and circulars.

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 stylized, flowing script.

Chris Johnson, AM  
Chief Executive Officer