



14 May 2010

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

Dear Mr Haddad

Re: Potential Amendments to the Standard Instrument – Options Paper

The Urban Development Institute of Australia (UDIA NSW) is the peak body representing Australia’s urban development sector. UDIA NSW has more than 500 members in NSW, representing all aspects of development industry. UDIA NSW is pleased to make this submission on behalf of its members. UDIA NSW welcomes the opportunity to comment on the Potential Amendments to the Standard Instrument – Options Paper.

A robust and credible planning system is a crucial element of the urban landscape, of which the Local Environmental Plan (LEP) template plays an important part. UDIA NSW applauds the timely review of the LEP template and in particular the attempts to simplify and expand upon its definitions. UDIA NSW fully supports the Department’s intention to have standard definitions across the State, providing the development industry with consistency. UDIA NSW recommends the ongoing review of the Standard Instrument to ensure it remains effective and accommodates growth and changes that occur over time.

Clause and Zone Objectives

- More emphasis should be placed on zone objectives to ensure design outcomes and intended land uses are achieved.

UDIA NSW supports the following preferences:

1.1	Option 3
1.2	Option 2, with a definition of ‘large’ to be included. This option could also include opportunities for business start up and small scale office support.
1.3	Option 3
1.4	Preferred Option – the word ‘total’ could be added to the following sentence for clarification: total “retail floor area should not exceed...”
1.5	Preferred option
1.6	Option 2

Heritage

In relation to heritage, UDIA NSW makes the following comments:

- While the sensitivity of the public listing of Aboriginal heritage items is acknowledged, UDIA NSW suggests that it is necessary to keep a register of some kind that land owners can access. Whilst such a register need not necessarily be as public as the inclusion of all such items in a Local Environmental Plan or Development Control Plan, it is vital that landowners can find out about Aboriginal heritage items to effectively manage them. Without this transparency, considerable delays and significant increases in developer costs in the development approval process are expected.
- In relation to 5.10 Heritage conservation [compulsory] UDIA NSW advocates for a set period of time to remain for the receipt of comments. A timeframe of less than 28 days is necessary to ensure that lengthy delays in the process are not experienced.

UDIA NSW supports the following preferences:

2.2	Option 1
2.3	Option 1
2.5	Preferred Option
2.6	Preferred Option
2.9	Given option

Definitions

UDIA NSW supports the inclusion of standard definitions in the LEP template. The following comments are made:

- **Release Areas** - The template is difficult to apply to release areas. UDIA NSW supports the previous commitment made by the Department for a separate or distinct template that applies to release areas. Otherwise, a situation arises where zoning is prematurely 'set in stone' due to the standard template and there is a lack of flexibility in any future rezoning within the release area. This then generates a need for spot rezoning.
- **Prohibited Development** - UDIA NSW notes that some Councils have applied the mentality to their LEPs that any use not listed as permissible with consent is prohibited. UDIA NSW finds this inflexible and not reactive to changes in the development industry.
- **Cascading of Uses** - UDIA NSW notes that the cascading of new uses is a useful tool of the Standard Instrument that does not seem to be widely applied. The widespread application of the cascading of uses function would promote the flexibility that is needed to accommodate changes in market conditions over time.
- **Attached Dwelling** - The definition of attached dwelling remains confusing, particularly in relation to it being located on its own land. It is suggested that attached, detached strata, Torrens and community title are dealt with separately. The same applies to dwellings and dual occupancy.
- **Height** - Confusion is eventuating in relation to building height in situation where there is a conversion from the old LEP to the new LEP template. The situation can arise that a definition of storey's is provided which does not always correlate to building height it can relate to the ceiling or the highest

point in the building. In the latter case, the overall height permissible can decrease.

- **Business Premises** – The rationale behind the removal of medical centres from the business premises zone is unclear. Medical centres form part of the business and mixed use centres.
- **Community Facilities** – Should be included within the definition as they are provided in many new estates.
- **Crematorium** – Include funeral chapel, as funerals continue to take place in chapels.
- **Highway Service Centre** – Our experience is that Councils are struggling to define zonings in this instance, as there is a need to include provisions for the motel or tourism facility being provided at such centres.
- **Offices** – the definition includes the comment that people do not visit offices, which we believe to be incorrect. Members of the public often visit office premises for a variety of reasons including providing service or advice.

Conclusion

UDIA NSW welcomes the opportunity to comment on the Standard Instrument Options Paper. The continual improvement and updating of the standard template is vital to the broader success of the NSW Planning system. UDIA NSW has offered a series of recommendations it believes, if implemented, will assist in improving the Standard Instrument. We would welcome the opportunity to expand on any of the points raised in the submission.

Yours Sincerely

Stephen Albin
Chief Executive