

12 July 2013

The Hon Brad Hazzard  
Minister for Planning  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

NSW Business Chamber  
incorporates

- Sydney Business Chamber
- Australian Business Limited Apprenticeships
- Australian Business Lawyers and Advisors
- Australian Business Consulting and Solution

## RE: RESIDENTIAL ENCROACHMENT ON INDUSTRIAL LAND / ENVIRONMENTAL ZONINGS

I refer to the joint submission by the NSW Business Chamber and Sydney Business Chamber to the NSW Planning System Review: White Paper.

While both that submission, and our submissions to earlier reviews of the NSW Planning System, have outlined the broad land use planning concerns of NSW businesses and emphasised the vital role land use plays in terms of growing investment, employment and the economy, I have recently been contacted by member businesses in relation to specific concerns regarding the encroachment of residential and environmental land on land used for industrial and commercial purposes.

The encroachment of non-industrial uses, including residential uses on industrial land, has been a prevailing and increasing trend over the past two decades. With the absence of a robust planning framework that protects and preserves industrial uses in their current location, industrial land is under continual threat.

I note that the Planning White Paper details initiatives where the Government will look to identify and reserve corridors for infrastructure development via strategic regional planning processes and actively work to ensure that inappropriate neighbouring development does not encroach on these corridors. Unfortunately, there is no clear statement in the White Paper to do the same to prevent residential encroachment on industrial land.

While the Chambers appreciate that the protection of such land may occur organically as a result of a more robust strategic planning framework, it's important to express clearly that this is, in fact, intended under the new Act.

State and local governments need to show commitment to the use of land for industrial purposes by resisting change to industrial land use unless there is a clear strategic benefit in doing so.

Industrial land is a scarce commodity and the availability of it is absolutely vital for investment, economic growth and employment.

Chamber members have raised specific concerns around residential development being approved near to existing industrial land and how such approvals have impacted on their operations.

NSW Business Chamber Limited  
140 Arthur Street  
North Sydney NSW 2060  
ABN 63 000 014 504  
Locked Bag 938  
North Sydney NSW 2059  
DX 10541 North Sydney

t 13 26 96  
f 1300 655 277  
e navigation@  
nswbusinesschamber.com.au

Regional Offices ACT, Mid North  
Coast, Western Sydney, Northern  
Rivers, Hunter, Murray/Riverina,  
Illawarra, Southern Sydney,  
Northern Sydney, Central Coast

One Chamber member in Coffs Harbour has advised that as a result of new residential development in proximity to his business, truck movements have been significantly curtailed and he has been required to put in place noise abatement measures at his own cost. This particular site has been used for industrial purposes for more than 30 years and is a key employment area for the entire Coffs district.

With level land for industrial development in short supply and with another block of residential development scheduled nearby, this business is seriously considering moving its operations outside of the region. This example sheets home that while housing development is a vital part of land use planning, it should not come at the expense of economic development which is just as vital in building vibrant healthy communities. Building councils' capabilities in economic development and ensuring that they consider the impact their decisions can have on the viability of existing businesses must form a part of the change in culture foreshadowed in the White Paper.

While the strategic planning reforms outlined in the White Paper will provide a far greater capacity for local and state governments to work together in developing future industrial estates, it's critical that more is done to protect and support existing operations in industrial areas.

Similarly, a number of Chamber members have raised concerns regarding the impact of environmental zones under the standard instrument LEP and the impact these zones can have on existing landholders in restricting operations such as holiday parks. These concerns have largely been raised by members on the North Coast of NSW and I note that this is an issue that you have previously committed to take action on.

As you stated in your media release titled *Environmental E2 and E3 zones to be reviewed in North Coast LEPs* of 20 September 2012 "this Government is not going to stop farmers and other existing landowners from carrying on their businesses through overly restrictive environmental zones". Accordingly, I would encourage you to continue pursuing these issues to ensure that the existing use rights of landowners are protected by the planning system.

While I appreciate that the time for submissions to the White Paper review has now closed, I seek your indulgence in passing these comments to the review panel so that they can be considered in their deliberations.

Please feel free to contact Mr Luke Aitken, Senior Manager, Policy on 9458 7582 if you wish to discuss this correspondence further.

Yours sincerely



**Stephen Cartwright**  
CHIEF EXECUTIVE OFFICER