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**SUBMISSION BY THE CITY OF SYDNEY TO
THE DEPARTMENT OF PLANNING,
19 MAY 2009 -
HAROLD PARK PACEWAY SITE**

City of Sydney

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19 May 2009

Our Ref: 2009/106115

Mr Michael File
Director, Strategic Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001

Dear Mr File,

Submission - Harold Park Paceway Site

I refer to your letter regarding the NSW Harness Racing Club's request to the Minister for Planning to consider the Harold Park Paceway site as a potential State Significant Site. The City of Sydney welcomes the opportunity to comment on the request.

The future of the Harold Park Paceway site is of utmost importance to the City of Sydney and the local community and it has the potential to contribute significantly to state planning objectives. Planning for the renewal of this Site should remain with City of Sydney and the Central Sydney Planning Committee (CSPC) as envisioned by the *State Environmental Planning Policy (Major Projects) 2005* (The SEPP). City of Sydney recognises the importance of the site to the Club and its potential redevelopment significance in the local area. City of Sydney is therefore open to planning for future of the site in consultation with the Club in an integrated and inclusive manner to deliver the objectives of the State's Metropolitan Strategy *City of Cities - a Plan for Sydney's Future*, the *Draft City of Sydney Subregional Strategy* and *Sustainable Sydney 2030*.

In summary, the City of Sydney considers City of Sydney and CSPC to be well placed to plan for the site for the following reasons:

- the role of the CSPC enables consideration of both local and state issues in the planning process;
- the City of Sydney is currently preparing its consolidated LEP and has the opportunity to take an integrated and inclusive approach to planning for the site in parallel to preparation of the LEP;
- the City of Sydney and CSPC have the capacity and experience in planning for major redevelopment and can deliver planning outcomes through a timely and robust process;
- The City of Sydney has considerable experience and resources to plan for the local area as demonstrated by *Sustainable Sydney 2030*, the *Glebe and Forest Lodge Urban Design Study*, *City of Sydney Capacity Study* and Local Action Plans; and
- The City of Sydney has the resources and experience to consult with a range of stakeholders.

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The attached submission addresses State Government representation in the planning process; the capacity and expertise of the City of Sydney; and the intended planning actions to demonstrate that the City of Sydney and the CSPC are well placed to undertake planning functions for the site.

In conclusion it is recommended that the City of Sydney and CSPC remain the responsible planning authorities for the site as envisaged by the SEPP. The City has the capacity, experience and resources to plan for the site through an inclusive and integrated approach that will balance both state and local objectives. Finally, City of Sydney acknowledges the importance of the site to the harness racing industry and will prioritise planning for its renewal.

Should you wish to speak with a Council officer about this submission or the Harold Park site, please contact Andrew Thomas, Executive Manager City Plan by telephone on 9265 9333 or at athomas@cityofsydney.nsw.gov.au.

Yours sincerely



JOHN BARBELER
Acting Chief Executive Officer

Encl.

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Submission to the NSW Department of Planning responding to the request to the Minister for Planning to consider the Harold Park Paceway Site as a State Significant Site

**City of Sydney
May 2009**

SUMMARY

This is a submission to the NSW Department of Planning responding to the NSW Harness Racing Club's request to the Minister for Planning to consider the Harold Park Paceway site as a potential State Significant Site. The submission outlines why the planning responsibilities for the site should remain with the CSPC and City of Sydney and addresses State Government representation in the planning process; the capacity of the City of Sydney to plan for the site and the intended planning process. The City of Sydney considers the CSPC and City of Sydney to be well placed to plan for the site for the following reasons:

- the role of the CSPC enables consideration of both local and state issues in the planning process;
- the City of Sydney is currently preparing its consolidated LEP and has the opportunity to take an integrated and inclusive approach to planning for the site in parallel to preparation of the LEP;
- the CSPC and the City of Sydney have the capacity and experience in planning for major redevelopment and can deliver planning outcomes through a timely and robust process;
- the City of Sydney has considerable experience and resources to plan for the local area as demonstrated by *Sustainable Sydney 2030*, the *Glebe and Forest Lodge Urban Design Study*, *City of Sydney Capacity Study* and Local Action Plans; and
- the City of Sydney has the resources and experience to consult with a range of stakeholders.

STATE GOVERNMENT REPRESENTATION IN THE PLANNING PROCESS

The Central Sydney Planning Committee

The Central Sydney Planning Committee (CSPC) includes State Government representation which ensures state planning matters are given appropriate consideration. The role of the CSPC extends to plan making such that the CSPC must support each milestone in the LEP making process. Furthermore, it is the City of Sydney's practice to refer all technical studies and DCPs to the CSPC for comment, mirroring the Council reporting process. Therefore through the CSPC, the State Government would be closely involved in the planning and decision making processes for the Harold Park site.

The *State Environmental Planning Policy (Major Projects) 2005* (the SEPP) recognises the role of the CSPC for urban renewal such as this and places planning responsibilities with the CSPC. Clause 13 of Schedule 1 in the SEPP allows for certain residential, commercial or retail projects to be declared a Major Project. The clause also specifically excludes any such projects from being considered a Major Project where the CSPC is the consent authority.

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Further to the CSPC, State Government representation may be available through more informal consultative groups that have been established by the City of Sydney. For example, the City Plan Working Group provides advice and guidance on major planning policy matters including a detailed review of the City Plan. It considers pertinent planning issues and ensures the City Plan is integrated with *Sustainable Sydney 2030* and State Government strategies.

Realising the Strategic Importance of the Site

The *Draft City of Sydney Subregional Strategy* does not identify the site as within a centre or as a strategic site to deliver housing or employment and assumes its current use will continue. Nevertheless, the City of Sydney recognises that future uses and renewal of the site can contribute to realising state and local planning objectives as articulated in the *Draft Subregional Strategy* and *Sustainable Sydney 2030*.

The potential for the site to contribute to the local government area's objectives and targets for housing, employment, transport, open space, cultural and community facilities can be adequately managed and delivered through the processes and functions of the City of Sydney and the CSPC. The City of Sydney has and continues to exercise its strategic oversight balancing the needs for housing, jobs, open space and community facilities. The degree to which the site contributes to strategic objectives needs to be considered in the context of development opportunities throughout the LGA to provide the most sustainable outcome. The planning process for the site will balance a number of desirable future uses to achieve the best outcome for the local community and the State.

The City of Sydney has the unique opportunity of being able to plan for the site in parallel with the preparation of the City Plan LEP and is able to draw from recent studies and strategies. These include *Sustainable Sydney 2030*, the *Glebe and Forest Lodge Urban Design Study* and the *Capacity Study* which will inform an appropriate planning outcome for the site. This process will enable an integrated approach in which state and local issues can be considered and the various objectives and targets can be accommodated.

The importance of the site to the NSW harness racing industry

NSW Harness Racing proposes investing monies from the sale of the site to support the industry. The City of Sydney acknowledges the importance of the site to the future of the industry and the opportunity its sale presents to the industry. The City of Sydney is also acutely aware that once the Club vacates the site, the future uses and redevelopment of the site will affect the local community. In principle, the planning process for the site needs to consider all stakeholders, particularly those that will be left with the legacy of planning decisions. The City of Sydney is concerned that the Club's desire for an expedient 'up-zoning' and sale will risk a sustainable planning outcome.

The timeliness of the planning process is a stated concern of the Club however the necessity of selling the site in the immediate term is not substantiated by the Club's supporting documentation. The industry has been aware of its gradual decline for at least 10 years and has only now identified the sale of Harold Park as an option to arrest that decline. In Appendix A, the Position Paper entitled *Future of the NSW Harness Racing Industry* does not identify other options for growing the industry, rather it puts forward, without adequate justification, that the immediate sale of Harold Park is the only option.

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Paragraph 14 of the Position Paper sees the industry being able to maintain current levels of investment in the medium term and arrest declines in breeding activity over the next five years due to the relative stability of TAB Distribution, which has actually grown over the last 10 years. Furthermore, paragraph 19 identifies a five year period in which is critical to the harness racing industry. In the interim there may also be other unidentified opportunities that can maintain and grow the industry over that five year period.

Alternative planning arrangements where more than one council is likely to be affected

The site is wholly within the City of Sydney LGA; arguably the intention of this provision is to deal with proposals that straddle LGA boundaries and for which contrasting controls make a seamless proposal difficult to achieve. This situation prevails at all sites close to or at the boundary of all LGAs and is therefore not regarded as a matter of State interest.

The City of Sydney considers alternative planning arrangements in this situation unnecessary. The City of Sydney has the experience and resources to consult with a broad range of stakeholders including Leichhardt Council and affected residents and businesses from the Leichhardt LGA. The City of Sydney recognises potential impacts from the redevelopment of the site may extend beyond Council's boundary and will therefore actively consult with those stakeholders throughout the planning process.

Conserving heritage

The site is identified as an item of local heritage significance on Schedule 2 of the Leichhardt LEP 2000. The site is not identified as an item of state significance. Under the existing provisions of the Leichhardt LEP 2000, and the heritage provisions of the Standard Instrument, the consent authority can grant consent for the use of the building for any purpose subject to conservation of the item and consideration of impacts to the surrounding areas. It is considered that the City of Sydney's planning processes and controls are sufficient to ensure the local heritage significance of the tram sheds is conserved.

THE CITY OF SYDNEY'S CAPACITY TO PLAN FOR THE SITE

The request to the Minister states the Club is seeking a fair and inclusive process that involves wide community and stakeholder consultation. It is considered that the City of Sydney is well positioned to engage with the community due to the experience gained from consultation programs undertaken as part of, amongst other things, the preparation of *Sustainable Sydney 2030*, the City Plan Review and Local Action Plans. Throughout these projects the City of Sydney has involved stakeholders such as residents, businesses, community groups, other councils, state government agencies and the development industry. The consultation undertaken for *Sustainable Sydney 2030* was the most comprehensive ever undertaken in the City's history and has been recognised for outstanding planning practice by being jointly awarded the Planning Institute of Australia's President's Award.

In recent years the City of Sydney has undertaken studies, research and community and stakeholder consultation to inform development controls in the new City Plan LEP and DCP. As a result of this work, the City of Sydney already has a considerable knowledge base and resources to inform the timely and informed strategic planning

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of the site. The City of Sydney has already been proactive regarding the future planning of the site as preliminary design principles have been recommended for the Tram Sheds as part of the *Glebe and Forest Lodge Urban Design Study* (2006).

The City of Sydney recognises that there are strategic sites worthy of special investigation due to their unique strategic qualities and/or the potential benefits that may arise from their renewal, and is currently giving consideration to site-specific planning controls for two sites. Firstly, the City of Sydney has taken a proactive approach and initiated an urban design study for a street block in Central Sydney bound by Alfred, Pitt, Dalley and George Streets. This project has culminated in a recommendation to prepare a site specific amendment to *Sydney LEP 2005*, which would occur parallel to the City Plan process. The City of Sydney is also giving consideration to a request to amend the *Sydney LEP 2005* height controls for the Commonwealth Bank “Money Box” site in Martin Place to accommodate a potentially “high quality” development proposal. In this case a “Stage 2” development application may be exhibited concurrently with an LEP amendment.

The City of Sydney is receptive to the preparation of site specific planning controls where opportunities for significant strategic benefits can be demonstrated. The City of Sydney is committed to and has the capacity to plan for urban renewal and considers that the Harold Park site presents a major opportunity for place-based planning that can benefit the State and the local community.

PLANNING FOR THE HAROLD PARK SITE

The City of Sydney recognises the strategic importance of the site and the opportunity it presents to progress the Metropolitan Strategy *City of Cities – A Plan for Sydney’s Future*, the *Draft City of Sydney Subregional Strategy* and *Sustainable Sydney 2030*. Therefore the City of Sydney will be seeking to discuss future development options with the Club as a priority.

Contrary to Section 3.3 of the Club’s application, which states that City of Sydney will not contemplate any rezoning of the site at this stage, the City of Sydney is open to a request from the Club to rezone the site, that is to prepare an amendment to *Leichhardt Local Environmental Plan 2000*. This can occur in parallel to the preparation of the City Plan LEP, thus alleviating the Club’s concerns regarding the delayed timing of a future development application.

The City of Sydney acknowledges that the current zoning of the site as Open Space under the Leichhardt LEP 2000 may not reflect the current and historic uses of the site. Under the City Plan it is intended to zone the site *SP1 Infrastructure (Harness Racing)* to reflect the current activities on the site. In recognition of the possible limitations of the proposed zoning, the Club’s plans for the sale of the site and the objectives of *Sustainable Sydney 2030* and the *Draft Subregional Strategy*, the City of Sydney is open to explore alternative options.

To date the City of Sydney has not received a request to consider an LEP amendment for the Harold Park Paceway site, nor has it received any submissions from the Club to the *Glebe and Forest Lodge Urban Design Study* (2006) or the City Plan more generally. Through meetings with Club representatives, media statements and their Part 3A request to the Minister it is clear that the Club’s intention is to vacate the site and place it on the market as an urban renewal site. Given this the City of Sydney has commenced allocating resources to planning for urban renewal on this site.

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Any request for an LEP amendment will need to be accompanied by justification report which outlines the reasons why a change to development controls is necessary. The request should address the Department of Planning requirements outlined in Department of Planning Circular No. PS06-015. The justification report may also include a detailed assessment of the site and analysis of appropriate future land uses.

If the Club submits a proposal that requires a prioritised time-frame, there is also provision under the EP&A Act to lodge a development application or site specific DCP concurrent with the exhibition of a draft LEP. Contrary to the claims in the Club's application, it is unlikely that the DA/rezoning process will take more than five years to complete, as the City of Sydney envisages that a significantly shorter time frame would be more likely.

CONCLUSION

In summary, the City of Sydney considers the CSPC and the City of Sydney to be well placed to plan for the site for the following reasons:

- the role of the CSPC enables consideration of both local and state issues in the planning process;
- the City of Sydney is currently preparing its consolidated LEP and has the opportunity to take an integrated and inclusive approach to planning for the site in parallel to preparation of the LEP;
- the CSPC and the City of Sydney have the capacity and experience in planning for major redevelopment and can deliver planning outcomes through a timely and robust process;
- the City of Sydney has considerable experience and resources to plan for the local area as demonstrated by *Sustainable Sydney 2030*, the *Glebe and Forest Lodge Urban Design Study*, *City of Sydney Capacity Study* and Local Action Plans; and
- the City of Sydney has the resources and experience to consult with a range of stakeholders.