



[REDACTED]  
18 September 2020

Mr Peter Achterstraat AM  
NSW Productivity Commissioner  
NSW Productivity Commission

By email: [ProductivityFeedback@treasury.nsw.gov.au](mailto:ProductivityFeedback@treasury.nsw.gov.au)

Dear Sir,

### **Productivity Commission Green Paper**

Thank you for the opportunity to review and comment on the NSW Productivity Commission Green Paper, *Continuing the productivity conversation*, that is on public exhibition until 18 September 2020.

We commend the Productivity Commission for preparing the Green Paper, as part of a body of work to shape a clearer productivity agenda and strategies for economic growth.

Attached to this letter is our submission on Chapters 6 and 7 of the Green Paper:

In summary, we generally support the intent of the Green Paper and reforms that will have a positive impact on liveability and the economic performance of NSW. We do however recognise that this needs to be balanced with social and environmental benefits, in addition to economic performance.

We are concerned that some statements and assumptions made in the Green Paper suggest an over-simplified view of the NSW Planning System. Strategies to drive economic growth must do so equitably. Certain draft recommendations in the Green Paper fail to recognise existing inequities, such as the backlog in provision of adequate infrastructure in Western Sydney, which would result in further disadvantage should the recommendations be carried out in their current form.

We welcome any opportunity to discuss the content of our submission. If you would like to discuss this matter further, please contact [REDACTED]

Yours faithfully,

[REDACTED]

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**Connect - Create - Celebrate**

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**Blacktown City Council submission**  
**NSW Productivity Commission Green Paper:**  
***Continuing the productivity conversation***

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**1. Chapter 6: Smarter infrastructure will support jobs and communities**

**Draft Recommendation 6.1: Build up transport hubs**

Change planning controls to enable more housing and business activity within reasonable walking distance of transport hubs on underutilised corridors.

**Council comment**

Blacktown City supports Draft Recommendation 6.1 in principle.

The Draft Recommendation picks up on the vision expressed in the Sydney 1egion Plan: *A Metropolis of Three Cities*, whereby better integration of land use and infrastructure supports growth in major centres and transport nodes as locations which are best suited to provide the amenity and services that people need. This vision is reflected across local government in councils' local strategic planning statements and local housing strategies.

Our *Blacktown Housing Strategy 2020* seeks recognises the need to undertake place-based planning in Urban Renewal Precincts (URP) centres on transport nodes. The work will investigate opportunities for housing supply, diversity and affordability, as well as employment growth, and investment in infrastructure and services.

The Draft Recommendation suggests enabling more housing and business activity around transport hubs on underutilised corridors. This is a logical premise, however, the Green Paper also notes that there is only one heavy rail corridor in Greater Sydney that is underutilised. As such, this Draft Recommendation has limited application. The Green Paper suggests there are opportunities for future growth along the new Metro corridors, citing current restrictions on housing density for lower than expected growth in some areas.

We are concerned that the Green Paper demonstrates an overly-simplistic view of the impact of planning controls on the cost of housing. The Green Paper relies on a contentious Reserve Bank of Australia paper which attributes height restrictions as contributing to high housing costs in Sydney. This view fails to recognise the effect of other, wider issues which restrict supply including taxation, stamp duty, land banking practices and fragmented land ownership as well as the market value of an area. In other words, even if supply increased, some areas of Sydney will always be more expensive than others, and that an increase in building heights will not necessarily make it more affordable. The focus should be more on density rather than building heights. Building

heights are a design-led outcome about a place, as opposed to density, which is a measure of numbers of dwellings within a given area. In this respect, it is difficult to understand the correlation between an increase in building height and more affordable housing when the market determines the price of housing.

It is also overly simplistic to assume that solely by concentrating housing and jobs around transit corridors, congestion will be relieved and commutes will be shorter. Aligning housing and jobs with transport is indeed critical in making it easier for people to access jobs and services, but is not the only factor. Resolving our transport network woes is a complex issue and will need significant Government investment in all levels of infrastructure in areas identified for future growth. The wider transport network must be sufficient to enable complex, multi-destination and multi-modal transport options. State Government investment in active transport infrastructure, such as on-road separated cycleways and better pedestrian infrastructure, will provide greater transport choice. Greater support for the employment and economic development initiatives in District Plans and support for small businesses will enable more jobs to be located closer to where people live, contributing to relieving of congestion pressure and increasing productivity.

In considering the benefits to productivity of aligning housing and jobs with infrastructure, the Green Paper fails to acknowledge the impact on productivity of the backlog in infrastructure provision in areas experiencing rapid growth. Western Sydney is generally not serviced by the same level of State-based infrastructure as in the inner and middle-ring suburbs, leaving a backlog of inadequate infrastructure. This is exacerbated in the North West Growth Area (NWGA) where the provision of infrastructure has not kept pace with a population rate which is growing at double the national average. Our review of development activity highlights that the density of development in the NWGA is far exceeding the NSW Government's planned estimates, which has significant implications for infrastructure and servicing. Our revised growth forecasts estimate that the NWGA will accommodate 100,000 more people than the NSW Government estimates, to a total of 85,000 dwellings and 250,000 people.

We urge the NSW Government to continue to work towards the provision of adequate infrastructure in Western Sydney, in particular the NWGA, to support productivity and economic growth across Greater Sydney. Western Sydney residents face costlier and longer commute times than other areas of Sydney due to the distribution of jobs and inadequate transport. Additionally, the NSW Government's restrictive inequitable social infrastructure funding policy prevents councils in greenfield areas from levying contributions for the construction of community facilities. This policy doesn't apply to the rest of Sydney. We urge the NSW Government to redress this inequity so that 250,000 people in the NWGA can be supported by basic and necessary social infrastructure.

### Draft Recommendation 6.2: Publicly justify infrastructure spending

Require Infrastructure NSW to publish, within one week of an announcement for all Tier 1 and Tier 2 projects:

- Gate 1 strategic business case and Gate 2 final business case documents
- a simple 'social value for money' rating based on the project Benefit Cost Ratio
- a risk report, drawing on historical experience, with probabilities where feasible.

To further increase the transparency of spending priorities:

- have Infrastructure NSW publish its five-yearly infrastructure plan (and annual updates), along with underlying analysis, at the time of the Budget
- provide additional justification in the Budget where investments are prioritised that do not align with the Infrastructure NSW priorities.

## Council comment

Blacktown City supports Draft Recommendation 6.2 in principle.

Greater transparency and clear governance frameworks for State Infrastructure projects is supported. Councils and the community should have a clear pathway to review infrastructure projects (including those below Tier 2) and provide feedback to improve the potential outcomes proposed to be delivered. Based on the current merit based system, it is difficult to understand why the NSW Government has not invested in lifts at Doonside Railway Station to provide disability access to the station. The decision around categorisation of State roads is also unclear. There are roads in Blacktown City that carry significant volumes of traffic, yet it is unclear why they do not meet the warrant of a State road. Better clarity and transparency is needed.

This section of the Green Paper also discusses cost to benefit analysis and outlines that smaller cost-efficient projects should be considered and would create maximum community benefit. It is agreed that cost to benefit analysis is essential, however, the Green Paper has a bias towards equating economic benefit with community benefit. This is not always the case.

It is agreed that a large infrastructure project should consider all potential interventions, but the most cost effective isn't always the best. For example, the Green Paper suggests that upgrading pinch-points could be more beneficial than building a new road. Whilst this may have a short-term improvement, it is ultimately doomed to fail as traffic increases on roads. This approach also fails to consider other large infrastructure alternatives such as on-road separated cycleways may be more beneficial to reducing congestion on roads, taking pressure off public transport and encouraging an active lifestyle. The Green Paper therefore needs to recognise social and community benefits alongside the most cost-effective solution.

We suggest that more open and transparent communication can assist State agencies to achieve greater alignment between priorities and projects. The new model of Place-based Infrastructure Compacts is a useful means to achieve a high-level overview across relevant State agencies of the required infrastructure, trigger points and dependencies to

support forecast growth in population and business within a locality. We urge the NSW Government to ensure that decisions on changes to planning controls are informed by detailed place-based planning, in collaboration with local government, aligned with the location and timing of new or upgraded infrastructure and supported by a commitment to deliver adequate infrastructure to support this growth.

We also suggest that the NSW Government review the capital investment thresholds for local government, which is currently at \$10M. This threshold has not been reviewed for many years. A review of this threshold would improve councils ability to invest in productivity improvements within its local government area. Further, the Office of Local Government process is vague and not aligned to the Treasury gateway process.

#### **Draft Recommendation 6.3: Make evaluation a priority**

Ensure that agency project business cases comply with the NSW Government Business Case Guidelines, including planning for monitoring and evaluation at the detailed business case stage.

Ensure that post-evaluation costs are included in funding requests.

#### **Council comment**

Blacktown City supports Draft Recommendation 6.3.

This recommendation seeks to embed up-front in government projects the process for post-implementation review and evaluation. This form of 'complete the circle' review is supported and should be made public. This would improve accountability and transparency.

We have attempted to work with the NSW Government to construct Special Infrastructure Contributions funded roads in the NWGA. We have experienced lengthy and bureaucratic processes in writing multiple business cases to justify funding for roads that were already planned and identified by the NSW Government as important. It needs to be reviewed.

#### **Draft Recommendation 6.4: Improve use of existing infrastructure**

Explore options to reduce driver behaviours that increase road congestion, focusing on trip timing, merging, intersection etiquette and driver distractions.

Develop a strategic options (Gate 1) business case for cordon charging in the Sydney Central Business District and at other congestion hot spots.

#### **Council comment**

Blacktown City supports Draft Recommendation 6.4 in principle.

Options to reduce driver distraction and improve behaviour are supported. However, we suggest a more comprehensive consideration is required which recognises the role of a well-planned active transport network in assisting to manage congestion by providing a viable, efficient and safe travel alternative. It is disappointing that this section of the Green

Paper has only passing discussion on the benefits of active transport investment to reduce congestion. In addition to promoting an active lifestyle, which indirectly reduces costs to the health system, providing better active transport infrastructure (e.g. on-road separated cycleways) can also reduce pollution, reduce consumption of resources and reduce pressure on public transport.

We are concerned at the impact that the imposition of a congestion tax may have on the residents of Western Sydney. The Green Paper fails to recognise that Western Sydney residents already pay to access the Eastern City via numerous tolls, and that the NSW Government's lack of provision of sufficient infrastructure in Western Sydney leaves some residents with little viable choice other than using a private vehicle. Furthermore, with land values in Western Sydney being generally less than the east, it is considered more affordable. However, this affordability gain would be taken away with a congestion tax.

The Green Paper refers to international case studies where a congestion tax has been effective in managing congestion hot-spots. It is noted that the case study areas are supported by an efficient and effective public transport system in addition to, in Singapore, recent investments and projects to improve active transport choice. This level of infrastructure support is not available equitably across Greater Sydney, which suggests that without broadscale structural reform to the transport system, an additional congestion tax will not result in less traffic on the roads and will, instead, result in an additional charge that unfairly penalises residents who live outside of the inner city area.

NSW Government policy on rate pegging prevents local government from funding the required maintenance and renewal of its infrastructure assets. We have a significant backlog of assets that require funding, but as a consequence of the rate cap, they remain unfunded. We urge the NSW Government to review and remove the cap so that basic infrastructure maintenance can be undertaken, which will aid in supporting our productive economy.

Further, we request that the NSW Government investigate the 'last mile' infrastructure to support freight distribution. This includes investigations into road improvements to accommodate high productivity vehicles.

We also request investment from the NSW Government in its planned road network improvements. In particular, the NSW Government identified a bus-only link in 2001 between the northern suburbs of Mount Druitt along Daniels Road to the Marsden Park employment area to provide more direct access to jobs for Western Sydney residents. The link has not yet been provided. Additionally, we urge the NSW Government to invest in the construction of the Castlereagh Freeway from the M7 Motorway to The Northern Road in Penrith LGA. This road has been identified on planning instruments since the 1950s but still has not been progressed. Once built, it will provide improved accessibility for Western Sydney residents to employment opportunities.

### Draft Recommendation 6.5: Review Opal fares

Ask the Independent Pricing and Regulatory Tribunal of NSW to review the Opal fare structure to reflect the costs of travel and encourage a more even distribution of demand throughout the day.

Simplify and retarget the concession system. Make fares more efficient and reflective of need:

- reduce the number of concession classes
- increase incentives for off-peak travel
- ensure that discounted fares target those who most need them.

### Council comment

Blacktown City supports Draft Recommendation 6.5 in principle.

We have no in-principle objection to Draft Recommendation 6.5, provided that it does not inequitably increase fares for Western Sydney residents who have limited public transport choice and longer commute times due to lack of Government investment.

The Green Paper notes that we need to make better use of public transport infrastructure. Examples concentrate on overcrowding on trains and suggests that incentives need to be offered to encourage off peak travel. Whilst this should be explored, it fails to consider improvements to other parts of the public transport, or improved active transport infrastructure that would increase choice and therefore relieve pressure.

Encouraging public transport use is more than simplifying the fee structure. We suggest that public transport should not be considered as a for-profit business but rather be considered as a public benefit business with measure taken to increase its use.

We suggest that a broader consideration is required, including options to increase transport choice, for example investments to complete missing links such as uninterrupted bus transit way corridors, and the extension of the Sydney Metro line west of Tallawong, as well as working with us to promote investment and job opportunities locally.

## Chapter 7: Planning for the housing we want and the jobs we need

### Draft Recommendation 7.1: Update planning documents regularly to show housing requirements

Require councils to analyse housing supply capacity and show that planning controls are consistent with the dwelling needs identified by Greater Sydney's 20-year strategic plans for 5-year, 10-year and 20-year windows.

Where a lack of capacity is identified, ensure councils revise their Local Housing Strategies and Local Strategic Planning Statements to reflect the objectives identified in the Greater Sydney strategic plans.

Ensure councils immediately update relevant planning instruments to meet 6-to-10-year housing targets and report housing completions by LGAs every six months.

Publish annual 10-year forecasts for State-led/partnered precincts.

Monitor housing forecasts and projections on a six-monthly basis. Where housing shortfalls arise, require councils to revise housing strategies and Local Strategic Planning Statements to indicate how the shortfalls will be remedied.

### Council comment

Blacktown City does not support the current wording of Draft Recommendation 7.1.

We support the principle of timely review of planning policy, strategy and instruments to ensure alignment between policy and community needs. However, the Green Paper does not recognise the large body of work that the NSW Government and local government already undertake to review both policy and practice on a regular basis, and also does not recognise the significant impost on time and resources entailed by the recommended actions.

The first part of Draft Recommendation 7.1, requiring councils to align local planning controls with the dwelling needs identified in the Greater Sydney strategic plans, is already built into the NSW Planning System. The *Environmental Planning and Assessment Act 1979* requires councils to review their local environmental plan for consistency with the relevant district strategic plan, to prepare a local strategic planning statement (LSPS) to be consistent with the relevant strategic plan and to review the LSPS at least every seven years. The district plans include actions which require councils to prepare a Local Housing Strategy which address the delivery of five-year housing supply targets, 6 to 10-year housing supply targets and capacity to contribute to the 20-year strategic housing target.

Based on NSW Government data, we have already met our 5 year target, we will easily meet the 10 year target, and are projected to meet the long term 20 year, without any change to the Blacktown LEP or Growth Centres SEPP. These are the 2 principal environmental planning instruments that control land use within Blacktown City. Government's own figures say there is sufficient capacity in those instruments to satisfy demand in Blacktown City. Notwithstanding, we are focused on housing diversity and



affordability, in the right locations, to ensure we cater for our changing demographic needs. We suggest that the NSW Government needs to be the central agency responsible for housing and population data, to ensure there is a consistent measure across local government areas, and that data be provided to councils in a timely manner. Councils do not have the ability to determine population projections for its LGA. This is a NSW Government responsibility.

The Green Paper suggests that councils should be required to maintain the evidence base underpinning LSPs and local housing strategies and review and update these documents at most every two years. This fails to understand the role of these high-level strategies in setting the overall 20-year vision for land use planning and housing, which will not vary substantially in the space of 12 to 24 months. The proposed frequency of review is wasteful of Council resources and will not provide any benefit as the evidence base is heavily dependent on census data which is updated on a 5-yearly cycle. It is also doesn't align with the development cycle, where it can take up to 5 years for planning, development approvals, infrastructure and servicing delivery, and construction before housing is delivered. Councils also rely on up-to-date NSW Government data, policies and strategies, particularly population projections, in order to plan within its LGA. The State does not provide the required updated strategies, policies and data in order to meet these timeframes. It is unrealistic to expect these outcomes within the timeframes that have been suggested, particularly as the State is able to provide timely responses to councils.

It is better for the NSW Government to focus on improving the plan-making system, where it generally takes a minimum of 12-18 months to determine a planning proposal. This is due to delays with State agencies, requirements to report to panels, Council and the NSW Government, and public exhibition. The system needs a review to recognise that not all planning proposals are the same, and therefore do not need to follow the same approval pathway. This would speed up the delivery of planning proposals, and ultimately housing supply.

The focus in the Green Paper on the impact of planning controls on housing supply and the onus placed on councils by Draft Recommendation 7.1 to 'remedy' shortfalls against 6 monthly housing forecasts and projections is short-sighted and over simplified. There are many instances where planning capacity for additional housing already exists, however, the private market has not chosen to invest in the area. For example, planning controls in the Blacktown CBD, Mount Druitt CBD, Seven Hills Town Centre and Rooty Hill Town Centre were amended in 2015 to permit high density residential development. To date, market take up has been varied across the centres with investment in the Blacktown Strategic Centre recently lifting as the area reaches a tipping point in market interest and viability. Planning instruments generally provide the capacity, but the market is not taking up the supply due to a range of factors such as residual land values and land fragmentation.

As noted in our comments on Draft Recommendation 6.1, the position expressed in the Green Paper that housing affordability, mix and supply is a simple supply and demand issue fails to recognise the effect of other, wider issues which restrict housing supply including taxation, stamp duty, constraints including fragmented land ownership, land banking practices and the staged release of large subdivisions where this is designed to

inflate demand. In addition, Government investment is required at all levels of infrastructure to attract investment and support both housing and economic growth.

Chapter 6 of the Green Paper identified the need to align new housing with infrastructure and jobs. The Draft Recommendation that councils “immediately” update planning instruments to meet 6 to 10-year housing targets is simplistic in assuming that adequate infrastructure either exists or will be delivered to support demand generated by changing planning controls. This fails to recognise the backlog of provision of adequate infrastructure across Western Sydney and in particular the lag in provision of infrastructure in the NWGA which is resulting in new communities left with inadequate transport infrastructure, lack of health and education facilities, a potential shortfall of 300 ha of open space and an estimated total requirement of \$524 million in community facilities which is currently unfunded due to an inequitable NSW Government policy.

#### **Draft Recommendation 7.2: Allow more flexibility**

Review and revise SEPP 65, aiming to minimise prescriptions so as to ensure maximum flexibility for housing to match choice while maintaining minimum basic quality.

Review the Guide to Traffic Generating Developments by the end of 2021 to ensure it reflects current travel behaviour and the best approach to traffic management.

Review parking controls within strategic centres and areas with good public transport accessibility. Reduce car parking requirements within 800 metres of public transport nodes by the end of 2021.

### **Council comment**

Blacktown City does not support the current wording of Draft Recommendation 7.2.

The State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and associated Apartment Design Guide were the subject of recent review which included wide industry consultation. Many of the updates are targeted at providing better guidance to developers to ensure minimum living standards are maintained, including access to daylight, adequate ventilation, apartment layout and minimum apartment sizes. We do not support the suggestion that consumers should be encouraged to trade off living amenity for affordability. It assumes that basic minimum standards will be maintained, which in practice, is not necessarily the case.

The NSW Government is proposing a new Housing Diversity SEPP which will provide for the smaller dwelling typologies considered in the Green Paper. Minimum car parking requirements must not be removed from apartment development in Western Sydney as there is no viable public transport alternative.

A review of the Guide to Traffic Generating Developments is supported. This must be prepared in collaboration with councils and other stakeholders. A series of graduated car parking rates which better reflect the hierarchy of centres, their geographic locations in Sydney, the adequacy of public transport alternatives and the impact of this on the needs for residents, businesses and visitors may be of more benefit than a blunt ‘one size fits all’ approach.

### **Draft Recommendation 7.3: Consolidate employment zones**

Rationalise existing business and industrial zones in the Standard Instrument LEP to reduce the number of zones.

Broaden the range of permissible activities to ensure prescriptions are reserved for genuinely incompatible land uses.

Expand application of the complying development assessment pathway to the newly consolidated employment zones.

## **Council comment**

Blacktown City supports Draft Recommendation 7.3 in principle.

It is an ongoing theme within NSW that the planning system is broken. The NSW Productivity Commission continue to push this overly simplistic concept, without recognising that the NSW Planning System has been in a period of sustained and long-term continuous reform. Reform is always welcome, providing it has a factual basis. Any reform would need to be open and transparent with detailed consultation and discussion papers.

A strategic review of the Standard Instrument since its implementation is supported in principle. Any review should however not be restricted to employment zones and the simplistic concept that by 'fixing' it, NSW will be an efficient economic powerhouse, with jobs and housing that meets the community's needs. Likewise, the planning system alone cannot resolve structural economic issues related to manufacturing employment and or new industry opportunities.

We would advocate a partnership review with the Department of Planning, Industry and Environment to work through issues and complexities identified with the Standard Instrument. This could identify opportunities where councils can make minor amendments to permissible land uses where relevant, without having to go through the current gateway processes.

Any potential expansion of the Complying Development Code must be in consultation with local government to ensure that standards are not reduced, and the character and amenity of local areas are not eroded. It is important to safeguard valuable industrial and employment land and to ensure that new development is well designed and enhances amenity for the local business community.

#### **Draft Recommendation 7.4: Generate economic strategies**

Require councils to prepare economic strategies (including commercial centre strategies) with the aim of increasing employment and productivity outcomes when updating Local Environmental Plans.

#### **Council comment**

Blacktown City supports Draft Recommendation 7.4 in principle.

However, we suggest that the Green Paper fails to recognise the significant body of work local government currently undertakes in this field. Councils routinely prepare economic strategies and commercial centres strategies to assess performance, trends and opportunities for innovation, diversity and growth. These strategies inform an ongoing review of our LEP.

A greater commitment from the NSW Government, including greater collaboration with local government, is required to support the employment and economic initiatives in District Plans rather than a sole focus on legislative LEP amendments. The NSW Government should lead with economic development strategies on a district wide basis, and work with councils to coordinate and support local economies rather than simply leaving councils to compete for economic activity. An amendment to an LEP will not solely generate the required economic activity needed to provide employment in Western Sydney. It needs a commitment from the State to coordinate and invest in employment areas, infrastructure and Strategic Centres.

#### **Draft Recommendation 7.5: Optimise industrial land use**

Better manage the retain-and-manage category of industrial and urban services lands in Greater Sydney to optimise employment and productivity outcomes.

#### **Council comment**

Blacktown City supports Draft Recommendation 7.5 in principle.

We support the principle of this recommendation that management of employment lands needs to be flexible to accommodate the evolving needs of businesses. However, we suggest that the Green Paper takes an overly simplistic view of this.

Poorly resolved policies that promote a site-by-site approach to the rezoning of employment land such as proposed by the Urban Taskforce should be avoided. A better approach is where the State and councils identify areas where land use change is required, based on economic and land use research, and prepare subsequent amendments to the applicable environmental planning instrument (SEPPs and LEPs) which are consistent with the long-term vision for the area, the LSPS and the District Plan initiatives for productivity and economic growth.

Significant work was undertaken in the lead-up to the LEP Review Program to review industrial and employment lands as directed by the State. This recognised that there is a role for a hierarchy of areas offering a range of opportunities from small businesses and

start-ups to established companies expanding into advanced manufacturing and innovative industrial ventures. This work also recognised a lack of urban services and employment lands in proximity to the Eastern City, pointing to an urgent need to safeguard the remaining land zoned for employment uses in Greater Sydney from pressure to rezone for residential purposes.

It has been a long term challenge of the NSW planning system since the 1970s to allow bulky goods retail centres, which turn into quasi shopping centres, with added congestion, reduced amenity and eroding the ability for centres to develop to their full potential. Continued erosion of industrial areas into retail centres or housing opportunities completely contradicts NSW Government's own policies of concentrating growth in centres, serviced by transport. Industrial areas should be allowed to evolve to meet new and advanced technologies, but not at the expense of centres. They are important employment areas that exist to complement, rather than compete with centres.

#### **Draft Recommendation 7.6: Cut NSW planning assessment gap**

Continue to implement measures to reduce red tape and complexity in the planning system. Bring NSW approval assessment times into line with other jurisdictions' times by the end of 2023.

### **Council comment**

Blacktown City supports Draft Recommendation 7.6 in principle.

As noted in our comments on Draft Recommendation 6.1, we suggest the Green Paper takes a simplistic view that housing prices can be resolved by simple supply and demand responses. This does not recognise the effect of other, wider issues which restrict supply including taxation, stamp duty, land banking practices and fragmented land ownership.

The focus in the Green Paper on approval timeframes does not recognise the need for considered assessment of very large and highly complex development matters and the impact of delayed response times from referral agencies and, at times, conflicting advice. We will continue to review our internal processes to seek efficiencies and to work with the NSW Government, including the new Planning Development Unit, on State matters.

There also needs to be a greater focus by the NSW Government in improving the plan making system, which often takes considerable time to implement changes to zoning or planning controls. We have strong concerns about the proposal to introduce a new class of appeal in the Land and Environment Court (LEC) in relation to rezonings, which is supported in the Green Paper. Rather than streamlining the planning system, we are concerned that, in the absence of strict controls for planning proposals, there is a risk that the new appeal class will become an invitation for speculative proposals to amend controls with little regard to councils' strategic vision for appropriate growth in relation to place, infrastructure and amenity, which will then clog the LEC at the expense of local government and NSW Government time and resources.

We also suggest that the draft recommendation to bring the NSW approval assessment times in line with that of other jurisdictions fails to acknowledge that NSW is experiencing

significant growth and has done for an extended period of time. There is more benefit in a focus on supporting the assessment process, in particular the capacity of the relevant concurrence agencies, rather than an arbitrary comparison with other jurisdictions.

**Draft Recommendation 7.7: Make the most of our open and green space**

Develop a consistent approach to measuring benefits to community welfare from the provision of open and green space to help inform government business cases involving development.

Develop better options for taking into account green infrastructure and public space in strategic land use planning.

## Council comment

Blacktown City supports Draft Recommendation 7.7 in principle.

The State Government has recently released for public comment the Draft Greener Spaces Design Guide which they advise will inform a new SEPP for public places. While the general approach recommended in the draft Guide is supported, we are concerned with and are seeking further clarification on issues including:

- the removal of a spatial approach and relying only on performance criteria which could result in less equitable, less diverse and poorly connected solutions for communities, and
- lack of funding mechanisms to deliver the initiatives in the draft Guide.

It is concerning that the Green Paper takes the view that it is uncertain "...how much open space is the right amount, and what the benefits of open space are compared with the costs". The benefits of open space are clear and evident in creating attractive places for people, good community and social health by encouraging active lifestyles, environmental sustainability and biodiversity, management of urban heat and as breakout spaces for people within small lot housing or medium and higher density living. There are costs to achieving these benefits, which needs to be acknowledged and agreed, as opposed to a narrow view that open space and community infrastructure planning too costly to be provided.

Further, if the importance of open and green spaces is recognised, then the NSW Government need to support this through practical funding mechanisms. The current infrastructure contributions system is inflexible and creates barriers to a responsive and timely reflection of changing land use needs.

**Draft Recommendation 7.8: Reform infrastructure contributions**

Progress reforms to the infrastructure contributions system after the Productivity Commissioner's current review, to deliver a principles-based, transparent and certain system.

**Council comment**

We have separately provided feedback on the current NSW Government Review of Infrastructure Contributions. We would welcome the opportunity to collaborate further with the NSW Government on the means to fund the infrastructure needed to support productivity and growth.