

18 September 2020

Mr Peter Achterstraat
NSW Productivity Commission
GPO Box 5469
SYDNEY NSW 2001

Dear Mr Peter Achterstraat,

**Canterbury Bankstown Council Submission–
Green Paper *Continuing the Productivity Conversation***

Thank you for the opportunity to make a submission to the Green Paper.

Following a review, Council raises the following issues for consideration:

1. Maintain Local Strategic Planning Statements as the principal mechanism to deliver dwelling growth.
2. Maintain the existing controls under SEPP 65 and the Apartment Design Guide.
3. Maintain the retain-and-manage category of industrial and urban services lands.
4. Consolidate Zones B5 and B6 into a single business zone, and extend Zone B8 to include strategic centres.
5. Maintain the existing rezoning review process for planning proposal.
6. Improve the contributions system to enable the orderly delivery of infrastructure.

The attachment provides more details on these issues.

If you have any enquiries, please contact Council officer [REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]



**Canterbury Bankstown
Council Submission**

Green Paper
Continuing the
Productivity Conversation
September 2020





Canterbury Bankstown Council raises the following issues in relation to the Green Paper ‘Continuing the Productivity Conversation’:

Issue 1: Maintain Local Strategic Planning Statements as the principal mechanism to deliver dwelling growth.

Green Paper

The Green Paper proposes to accelerate dwelling growth by:

- Introducing a Ministerial Direction and State-led planned precincts to enable more housing within walking distance of transport hubs on underutilised corridors (Recommendation 6.1).
- Requiring councils to commit resources to maintaining the evidence base underpinning Local Strategic Planning Statements and Local Housing Strategies and ensuring these documents are reviewed and, if necessary, updated regularly—at most, every two years (Recommendation 7.1).

Comment

The NSW Government recently reflected on its involvement in precinct based planning and decided to focus on fewer and more specific areas. According to the Department of Planning, Industry and Environment, this new approach to precinct planning ‘*is part of our work to centre the planning system around people, places, public spaces and the environment, putting greater responsibility for planning in the hands of councils and local communities*’ (January 2020). Any expansion of the program would contradict this recent decision.

Moreover, councils are more than capable for planning for their own communities in line with Local Strategic Planning Statements, which have been assured by the NSW Government.

In the case of Canterbury Bankstown Council (Council), since 2018, Council invested significant resources and engaged widely to prepare its new planning framework as required by State legislation. The new planning framework provides a pathway to manage growth and change across the Canterbury Bankstown Local Government Area, and includes the Local Strategic Planning Statement ‘*Connective City 2036*’ and supporting Housing Strategy and Employment Lands Strategy.

In 2020, Council adopted its new planning framework, which includes the delivery target of 50,000 dwellings over the next 20 years. The Greater Sydney Commission subsequently assured the Local Strategic Planning Statement, confirming it is consistent with State priorities. The Department of Planning, Industry and Environment is currently in the process of endorsing Council’s Housing Strategy.



Whilst State legislation requires a review of Local Strategic Planning Statements within seven years, it may be possible to shorten the review period to four years in sequence with the review period for Community Strategic Plans (section 402, Local Government Act 1993).

The concern is, at this late stage in the process, the Productivity Commission is proposing to add a new layer in the policy mix comprising a Ministerial Direction and State-led planned precincts to accelerate dwelling growth. This may have significant implications on the status of Council's new planning framework, and the ability to deliver the dwelling target in sequence with an established and funded infrastructure delivery plan.

Recommended Actions:

- Should the Productivity Commission be looking for ways to regularly review the planning system to accommodate new and emerging challenges, the preferred approach is:
 - Maintain Local Strategic Planning Statements as the principal mechanism to deliver dwelling growth.
 - Require councils to review Local Strategic Planning Statements every four years, in sequence with the review period for Community Strategic Plans.
 - Do not expand Ministerial Directions and State-led planned precinct functions, as the NSW Government recently carried out a strategic review and decided to reduce its involvement in these activities.



Issue 2: Maintain the existing controls under SEPP 65 and the Apartment Design Guide.

Green Paper

The Green Paper proposes to accelerate dwelling growth by:

- Reviewing 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.
- Reviewing parking controls within strategic centres and areas with good public transport accessibility.
- Reducing the number of prescriptive controls under SEPP 65 and the Apartment Design Guide so as to ensure maximum flexibility for housing to match choice while maintaining minimum basic quality (Recommendation 7.2).

Comment

Whilst Council supports the review of the *Guide to Traffic Generating Developments* and parking controls, Council does not support the proposal to reduce the number of prescriptive controls under SEPP 65 and the Apartment Design Guide as:

- It is inconsistent with the State directions set out in the Government Architect's *Better Placed Design Policy* and the Greater Sydney Commission's Region and District Plans, in particular the direction to deliver great places based on a high standard of building design quality.
- It would erode the power of the policy to continue to achieve good design outcomes.

Recommended Actions:

- Maintain the existing controls under SEPP 65 and the Apartment Design Guide as these controls are critical to achieve liveable places with appropriate access to sunlight and ventilation, and are informed by sound urban design and planning principles.
- Review the *Guide to Traffic Generating Developments* and parking controls.



Issue 3: Maintain the retain-and-manage category of industrial and urban services land.

Green Paper

The Green Paper proposes to accelerate employment growth by reviewing the retain-and-manage category of industrial and urban services land to optimise employment and productivity outcomes (Recommendation 7.5).

Comment

Council does not support any changes to the existing retain-and-manage category of industrial and urban services land. The reasons for this approach are:

- The Canterbury Bankstown Local Government Area is an infill council that is already developed.
- There is a finite amount of industrial and urban services land remaining in the Canterbury Bankstown Local Government Area.
- The industrial and urban services land supports Sydney's productivity and economy. According to the Greater Sydney Commission and Council's Local Strategic Planning Statement and Employment Lands Strategy, it is critical to safeguard the industrial and urban services land from competing pressures, especially residential and mixed use zones. This approach retains the industrial and urban services land for economic activities required for Sydney's operation, in particular freight operations.
- The Department of Planning, Industry and Environment and the Greater Sydney Commission have identified many other parts of Sydney that are suitable for residential and mixed use zones.

In 2020, Council adopted its new planning framework, which reinforces the need to retain-and-manage industrial and urban services land to support productivity and economic growth over the next 20 years. The Greater Sydney Commission subsequently assured the Local Strategic Planning Statement, confirming it is consistent with State priorities.

Recommended Action:

- Maintain the retain-and-manage category of industrial and urban services land.



Issue 4: Consolidate Zones B5 and B6 into a single business zone, and extend Zone B8 to include strategic centres.

Green Paper

The Green Paper proposes to accelerate employment growth by:

- Rationalising existing business and industrial zones in the Standard Instrument LEP to reduce the number of zones (Recommendation 7.3).
- Requiring councils to prepare economic strategies with the aim of increasing employment and productivity outcomes when updating Local Environmental Plans (Recommendation 7.4).

Comment

In relation to Recommendation 7.3, Council supports the existing hierarchy of business and industrial zones subject to the following improvements:

- Consolidate Zone B5 Business Development and Zone B6 Enterprise Corridor into a single business zone to correspond with out-of-centre employment lands.
- Extend Zone B8 Metropolitan Centre to include strategic centres. The Greater Sydney Region Plan recognises Sydney's major centres as a combination of metropolitan and strategic centres, which share the same land uses and account for half of Sydney's jobs.

In relation to Recommendation 7.4, the Greater Sydney Commission already requires economic strategies when updating Local Environmental Plans. Council questions the need for this draft recommendation as it duplicates existing local employment strategies that were only completed in the last two years.

Recommended Actions:

- Maintain the existing hierarchy of business and industrial zones subject to consolidating Zones B5 and B6 into a single business zone, and extending Zone B8 to include strategic centres.
- Do not duplicate the Greater Sydney Commission's requirement for economic strategies when updating Local Environmental Plans.



Issue 5: Maintain the existing rezoning review process for planning proposal.

Green Paper

The Green Paper proposes to accelerate application approvals by:

- Introducing a new class of appeals in the Land and Environment Court for planning proposals.
- Introducing to the EP&A Regulation 2000 a 'deemed approval' provision whereby if the consent authority does not determine the application within the decision-making period, an applicant may submit a deemed approval notice to the authority that the application should be deemed to have been approved (Recommendation 7.6).

Comment

Council does not support the proposal to introduce a new class of appeals in the Land and Environment Court for planning proposals as:

- A rezoning review appeals process already exists.
- Introducing a new process would add red tape, and draw Council's time and resources away from activities like strategic planning, master planning and assessment of planning proposals.
- It assumes there are no existing incentives for councils to make decisions.

Council acknowledges the importance of timely decision-making and has a proven track record of determining planning proposals within the legislated decision-making periods. Should the Productivity Commission be looking for ways to fast-track the assessment process, the preferred approach is to maintain the existing rezoning review process involving the Department of Planning, Industry and Environment and Planning Panels as it already provides an incentive for councils to make decisions.

The same concerns apply to the proposal to introduce a 'deemed approval' provision. This proposal does not acknowledge that Council has a proven track record of determining development applications within the legislated decision-making periods. Should the Productivity Commission be looking for ways to fast-track the assessment process, the preferred option is to reinforce the need for proponents to submit quality information with development applications rather than introduce a 'deemed approval' provision.

Recommended Actions:

- Maintain the existing rezoning review process for planning proposals.
- Do not introduce a 'deemed approval' provision.



Issue 6: Improve the contributions system to enable the orderly delivery of infrastructure.

Green Paper

The Green Paper proposes to make the infrastructure contributions system more transparent and certain by progressing reforms after the Productivity Commissioner’s current review (Recommendation 7.8).

Comment

Council is supportive of reforming the contributions system to make it simpler and to allow more efficient provision of local and regional public infrastructure. Council’s submission to the Productivity Commission’s Issues Paper on the Review of Infrastructure Contributions in NSW outlines Council’s recommended actions for consideration.

Recommended Action:

- Implement the recommended actions outlined in Council’s submission to the Productivity Commission’s Issues Paper on the Review of Infrastructure Contributions in NSW.