

Submission
No 60

INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

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The Hon Tony Catanzariti MLC
Director, Standing Committee on State Development
Legislative Council, Parliament House
Macquarie Street
SYDNEY NSW 2000

By email: statedevelopment@parliament.nsw.gov.au

Dear Mr Catanzariti

I refer to your letter of 28 August 2008 inviting the Council of the City of Sydney to make a submission to the Standing Committee on State Development's inquiry into the NSW planning framework. Please find attached a copy of the City's submission in response to the Terms of Reference.

The NSW planning framework is an area of strategic and operational importance to the City of Sydney. The City is committed to achieving the best planning outcomes, and has done so consistently under the existing planning framework. As such, the City has reservations with any major reforms, which are likely to disrupt operations and cause confusion among the community and stakeholders.

In particular, the City is concerned that changes in policy direction are being undertaken in the absence of an overarching strategic framework, one that guides policy directions across all areas of the State Government. The City would welcome such a strategic framework that commits the State Government to cross-departmental and cross-policy issues, such as sustainability, design excellence and community participation.

The City believes this would enable more effective policy reform in an area as complex as planning: ensuring current development mitigates future impacts of climate change, ensuring affordable housing is provided without reducing local amenity, and ensuring large-scale redevelopment does not exclude community input.

We trust that the submission will assist in Standing Committee in its inquiry. Should you wish to speak with a Council officer about this submission, please contact Andrew Thomas, Executive Manager, City Plan on 9265 9333 or by email at athomas@cityofsydney.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. M. Barone'.

MONICA BARONE
Chief Executive Officer

city of villages

New South Wales Legislative Council
Standing Committee on State Development
Inquiry into the NSW planning framework

February 2009

A submission from the Council of the City of Sydney

Executive Summary

The City of Sydney welcomes the invitation to make a submission to the NSW Legislative Council Standing Committee on State Development's inquiry into the NSW planning framework. As an innovative local government the City has extensive experience with a number of the issues raised in the terms of reference. The City also has ongoing experience working within the current planning framework.

The City has developed policies and planning instruments addressing: retail competition in planning the Green Square renewal area; impacts of Sydney Airport in adjacent industrial lands; and climate change in the preparation of *Sustainable Sydney 2030*. This submission also draws on research and internal reports prepared by, or on behalf of the City, to prepare a draft affordable housing strategy, an ecologically sustainable development policy, and the City's *Environmental Management Plan*.

The City has also prepared previous submissions addressing the current changes to the planning framework, including submissions to the draft exposure bill and the preliminary discussion paper. This submission also draws on, and summarises, the City's position on these specific planning policy changes, as they relate to the Terms of Reference.

In responding to the Terms of Reference, the City's key concerns, as detailed in this submission, include:

- The urgency of addressing climate change and affordable housing through planning mechanisms, which are priorities for the City;
- The avenues for improving transparency and consistency for all stakeholders in the existing planning framework;
- The important role that local government plays in setting planning controls to meet local environment and community needs, and to provide innovation; and
- The impacts of legislative changes including financial and resourcing impacts, and need for resources and support to implement current system.

This submission is arranged by the Terms of Reference, with each divided into relevant points the City wants to raise and subsequent recommendations. A full list of recommendations is also provided at the end of the submission for reference.

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A. The need, if any, for further development of the NSW planning legislation over the next five years, and the principles that should guide such development

A1. The impacts of major reforms

The City of Sydney (the City) has previously made detailed submissions to the NSW Department of Planning with respect to the latest amendments to the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the *Environmental Planning and Assessment Regulations* (the Regulations) released in 2007 and 2008. The City's submissions were focussed on the key changes to development assessment, plan making and building certification.

Although the amendments to the EP&A Act and the Regulations sought to simplify the existing planning framework, it is the City's opinion that the introduction of new levels of consent authorities and processes seem unlikely to achieve the stated outcomes of reduced "red tape" and faster development. The proposed new state, regional and local approvals panels, local arbitrators, independent hearing and assessment panels, and complying development expert panels will ensure a multilayered bureaucracy that is accessible and comprehensible only for experts.

The City supports reform that:

- ensures high standards for environmentally sustainable development;
- ensures excellence in environmental, urban and building design;
- preserves the effective involvement of local communities in planning matters;
- enhances transparency and accountability;
- provides for the simplification of planning controls, approval processes and appeals;
- improves certainty in planning and development outcomes;
- enables local innovation in response to local conditions, needs and expectations;
- strengthens coordination between the different levels of government;
- enhances local government's capacity to meet its responsibilities; and
- responds to advances in technology to help achieve these aims.

In 2007/08 the City assessed 2482 development applications (and 757 Section 96 applications), worth in excess of \$3.8 billion. In one of the most complex development environments in the state, the average assessment time was 39 days, with 97% being assessed and determined under delegation. This demonstrates that the existing framework in the EP&A Act can function effectively.

The City is also subject to the *City of Sydney Act 1988*, which (among other things) empowers the Central Sydney Planning Committee (CSPC) as the consent authority for major development in the LGA. The CSPC is also a

proven mechanism for assessing complex and significant development applications.

Within the current planning legislation, the City has developed local procedures to simplify application processing. One example is the Small Permits Appeal Panel (SPAP). Operating under s82A of the EPA Act 1979, it is an expeditious mechanism for assessing appeals against development applications determined under delegation.

The current amending act for the planning framework removes s82A and thus, once enacted, the SPAP. Similarly, the introduction of Independent Hearing and Assessment Panels (IHAPs), planning arbitrators, Joint Regional Planning Panels (JRPPs), and the Planning Assessment Commission (PAC) all have the potential to undermine the CSPC. This will increase delays in the development industry and confusion in the local community.

The recent introduction of Part 3A of the Act also serves as an example of legislative changes that, although intended to streamline development assessment, created confusion among stakeholders. The delineation of projects under Part 3A or Part 4 (or even Part 5) of the Act needs to be more clearly defined in advance. Currently projects can be assessed under multiple parts, creating confusion as to why some projects are declared major while others are not, which in turn makes community and stakeholder involvement more difficult.

The City recognises that the intent of the current legislative developments is to improve outputs from underperforming consent authorities. The City's output, though, is unlikely to benefit from the changes in the long term, but will have to incur the associated 'teething problems' in the short term.

Problems will stem from both the shifting planning framework during fine-tuning at the state level, and the adjustment of internal procedures and staff re-training at the local level. The development of a consolidated local environmental plan (LEP) after the amalgamation of Sydney, South Sydney and part of Leichardt Councils, for example, has been prolonged by the subsequent introduction of the standard LEP instrument and the delayed sub-regional strategy. Beyond these initial problems there is also likely to be an extended period of uncertainty among the local community and development industry.

The City's current performance demonstrates that an extensive overhaul of the planning legislation is unnecessary to achieve the stated aims of the current planning framework. Any future changes should focus on enabling local councils to reduce underperformance through the provision of additional support and resources. This will reduce interference in other areas of planning and development where the outcomes are efficient, effective and of high quality.

Recommendations

1. Commit to improving the implementation of the existing planning framework, rather than overhauling it with major changes.
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2. Implement strategies and provide resources to improve underperforming areas in the current framework, which do not impede existing effective planning procedures.
 3. Recognise the positive examples of the existing planning framework and work to replicate these across the state.
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A2. One-size-fits-all planning provisions

The City of Sydney Local Government Area (LGA) is unique in NSW. Central Sydney is recognised as a global centre while the surrounding neighbourhoods represent a variety of historic development patterns and contemporary regeneration, with vibrant local economies that have a catchment far beyond their localities.

It is not surprising then, that the built form of the LGA is similarly unique. Central Sydney is a crucial node for much urban infrastructure, like the suburban rail network, and consists of high-rise buildings, large commercial floor plates and flagship retail environments uncommon in most LGAs. Neighbourhoods like Chippendale and Paddington retain extensive historical built form, while urban regeneration has created equally distinguishable built environments in neighbourhoods like Pyrmont and the Green Square Renewal Area, which represents one of the largest brown-field redevelopments in Australia.

The overall higher density of built form in the LGA creates greater demand for infrastructure, such as cycling networks, public transport and public parks, than in other communities. The scale of new development, and the potential impacts on the public realm, means residents, workers and visitors in the LGA have greater expectations on the environmental performance and amenity of new buildings. In addition, the proximity of residential populations with commercial activities in centres like Newtown and Darlinghurst create unique challenges for late night trading.

The City has responded to these local circumstances with innovative local planning provisions. The City has extensive institutional knowledge and expert personnel who have developed, among other provisions, one of the first adult premises development control plans (DCPs) in NSW and the *Late Night Trading DCP* in 2007. This DCP has been used as the basis for North Sydney Council's draft DCP – Late Night Trading – currently on public exhibition. The City is also developing an *Ecologically Sustainable Development DCP* (for more on which see part D2 of this submission).

High-rise building performance and late-night trading issues are uncommon concerns across the state. They have not, therefore, been priorities of the State Government, which has focused on more common building forms and development standards. The City is concerned that the current changes, seeking to develop common development standards across NSW, will reduce the opportunity to innovate and respond to local communities' concerns.

As such, the City strongly recommends any future policy changes recognise the importance of, and expand the provision of, local innovations being implemented to match local conditions and community priorities. The City has previously submitted the position to the State Government that it is not always possible to create common development standards across NSW, the so-called one-size-fits-all approach. Such standards undermine differences between the natural and built environments of different locations across the state. Similarly, such standards undermine the different priorities and motivations of different local communities.

The City recognises the value of a consistent planning approach to maximise efficiency and transparency for the industry and wider community, and to minimise development costs and delays. The City advocates a balance. Any attempt to remove all local variation will shift the balance inordinately towards uniformity and cost-efficiency and away from local character and innovation.

Future policy directions should have a more nuanced approach. Common standards for the state should be developed, but local variations should be allowed where they can be justified: or a one-size-fits-most approach. Under such a system, the NSW State Government would develop a range of LEP template provisions available to councils, as well as procedures for councils to assess impacts (both positive and negative) of any variations to template provisions or new provisions. Thus a comprehensive LEP standardisation would not inhibit local governments' ability to tailor controls to reflect local character and priorities or to provide innovation, whether it is exempt and complying development standards, heritage conservation or building performance.

The NSW State Government should also develop a framework to promote successful local initiatives and expand them consistently into other LGAs, ensuring best-practice and a consistent approach is employed. Eventually local provisions could be upgraded to an optional standard provision in the LEP template.

Local government is best placed to develop appropriate local policies that respond to the local environment, constraints and expectations of the community. The State Government, however, is best placed to monitor such local policies and make other local councils aware of successful policy with a view to promoting a best-practice approach.

See also parts:

- B3: Exempt and Complying Development,
- D2: Improving building performance, and
- G1: Variations to the BCA

of this submission for detailed recommendations relevant to local variations to provisions and innovative local provisions.

Recommendations

4. Recognise the importance of local provisions and innovation to ensuring the planning system responds to local environments and community needs.
 5. Allow local variations to common development standards where justification have been demonstrated.
 6. Develop criteria and procedures for demonstrating outcomes of local provisions and variations.
 7. Develop protocols for sharing and standardising local provisions between consent authorities.
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A3. Community consultation

The City employs an extensive community consultation process to prepare and implement its strategic vision, planning policies and Local Action Plans, and for notification of development applications. Most recently the community was engaged as part of the preparation for *Sustainable Sydney 2030*. The process has proven to be invaluable to the City as a forum for both gathering and disseminating ideas and information. The consultation process for *Sustainable Sydney 2030* was recognised by the International Association for Public Participation Australasia with a Core Values Award 2008 - Robust Public Participation Process.

The community consultation for the development of the *City Plan* has also been comprehensive, with preliminary urban design studies incorporating community forums and a public exhibition period, and the statutory exhibition period of the draft instrument is being implemented through a specially developed communication strategy. The City firmly believes in the benefits and necessity of community consultation, and is committed to ensuring it continues.

Recently there has been the perception of an erosion of community consultation at the NSW State Government level. This could well stem from the differences between local development, which communities are familiar with, and new state development procedures. The making of a SEPP, in contrast to the current LEP making requirements, includes no legislated community consultation requirements. So, the preparation of SEPPs has included varied amounts of community consultation.

Local councils have prescribed notification and advertising requirements for DAs, whereas under Part 3A there is a more bespoke approach, with a general 30-day minimum being the only pre-defined requirement. The extent of notification and advertising remains at the discretion of the Director General. This variability creates the perception that community consultation is only comprehensively employed when it is convenient to do so.

The proposed 'gateway' consultation process is also potentially disillusioning, where the extent of notification and advertising, and the

period of public consultation is determined in a case-by-case way. The City has supported the changes to the plan making process in the current amendments, and the development of the gateway process. The process has the potential, in principle, to improve consistency in plan making whilst reducing unnecessary burdens on all stakeholders. The development of different 'streams' of plan making – from minor amendments and spot rezoning through to new policy directions and comprehensive LEP reviews – will reduce the requirements on making minor plans.

Future improvements to policy should incorporate a similar 'streaming' of consultation, whereby a defined consultation process is prescribed for each type of plan. The consultation requirements for each stream should be defined in advance, and legislated to ensure they are consistently employed. This enables transparency for all stakeholders.

Consultation required to make a SEPP should be similarly defined, and the development of the gateway system provides an opportunity to do this. Community consultation requirements should be consistent, irrespective of the type of EPI being made. The City also believes that by expanding the consultation at the plan making stage, there is less likely to be conflict at the development application stage, as there is less likely to be surprises.

The City will not support any changes to the planning framework that would see a lessening of the importance of community consultation.

Recommendations

8. Strengthen legislative assurance for community consultation.
 9. Develop community consultation requirements for the planning framework that are defined in advance, protected by legislation, and consistent between developments of similar significance.
 10. Enhance community consultation at the plan making stage, particularly for the preparation of SEPPs.
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A4. Government agency consultation

The City also has some concerns that the gateway determination will not resolve problems in the consultation process with other government agency stakeholders.

The point at which agency consultation is legislated, namely after the gateway determination, is after the point when a proponent would normally discuss the feasibility of a proposal with other agencies. This could mean agencies will be reluctant to provide any advice at a preliminary discussion, lest it contradict advice at the latter formal consultation stage (as with pre-DA advice from agencies). Agencies raising issues later in the plan making stage could then delay the process, or even undermine the viability of a proposed plan, after extensive work has already been done by the proponent to obtain a gateway determination.

The City advocates future policy changes that promote a strategic approach to agency consultation, to reduce delays at any case-by-case

consultation. Strategic consultation should be employed by the Department of Planning to establish consultation requirements with each agency. This would include:

- Details of proposed plans required by the agency,
- A liaison officer to act as the proponent point of contact and to coordinate plan reviews within the agency,
- Review timeframes required by the agency, and
- Any standard conditions or considerations from the agency.

These requirements should be defined for each 'stream' of the gateway determination, enabling clarity and consistency in any subsequent plan making consultation process. It also reduces the need for, and time frame of, consultation on minor plan amendments, which could be largely covered by standard considerations.

The new plan making process also increases the role of Parliamentary Counsel's Office (PCO) in preparing and writing new plans. This will require greater liaison between the PCO and the consent authority. Future procedures should ensure the PCO establishes a point of contact and communication channel with the consent authority for the plan making process.

Recommendations

11. Consult strategically with government agencies with regard to new plans, to reduce delays at case-by-case consultation.
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A5. The number of planning instruments

The City has supported the reduction of the number of environmental planning instruments (EPIs) across the state in the most recent policy directions. The City is currently developing a comprehensive *City Plan*, incorporating a LEP and DCP for the LGA. The *City Plan* will immediately replace eleven EPIs currently operating in the LGA (and is designed to gradually repeal two more as the Green Square Renewal Area develops) and 29 DCPs.

In addition to those EPIs to be replaced by the *City Plan*, the City is still required to enforce a number of other EPIs, like *Sydney Regional Environmental Plan (SREP) 16 – Walsh Bay* and *SREP 26 – City West* for Wentworth Park and parts of Ultimo. The City has also supported the proposal to further utilise the LEP by consolidating such EPIs into the comprehensive LEP for the LGA. Development standards in place through other area-specific State Environmental Planning Policies (SEPPs), such as Moore Park Showground, Redfern-Waterloo, Darling Harbour, The Rocks and Barangaroo, should also be consolidated into the comprehensive LEP.

The City encourages the development of a standard template for State Environmental Planning Policies (SEPPs). Such a template would delineate

what is contained in a SEPP (such as overarching State Government policy and strategy) and what is contained in a LEP (such as specific development standards). The progressive upgrade of existing State Government EPIs onto a template should coincide with the proposed initiative to reduce the overall number of SEPPs and the abolition of REPs.

Creating a SEPP template and a defined EPI framework that defines the role of LEPs and SEPPs would help to create clarity and transparency, and help to reduce inconsistency and overlaps between EPIs. At a procedural level, such a framework would be more conducive to consistent representation and dissemination of EPIs, including the use and availability of maps and the use of departmental websites.

Recommendations

12. Continue to reduce the number of planning instruments.
 13. Strengthen the role of LEPs, and delineate their role from that of SEPPs.
 14. Continue to standardise the presentation of planning instruments, including SEPPs.
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A6. Fees structures and council costs

The most recent changes to the legislation have included a number of changes that are likely to increase the cost burden on the City. Some measures include the hosting of planning arbitrators and regional JRPPs, approving minor variations to complying development standards, and assessing developer-initiated plans or plan amendments. Some of these initial proposals have subsequently been altered or postponed, but there remains much uncertainty about the additional ongoing costs to the City caused by these changes. Hosting arbitrators and planning panels creates additional workload for the secretariat staff, and additional administrative overheads for the City.

The City reasserts its concern about cost shifting to councils, and advocates for future practices that avoid placing any additional financial burdens on local government. If additional work is to be covered by local councils, state financing needs to be provided to ensure the costs of the additional work are shared, and local governments are not forced to recoup costs through other mechanisms, such as raising rates.

Recommendations

15. Avoid placing additional financial burdens on councils, and provide assistance where procedures increase the work load of local governments.
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B. The implication of the COAG reform agenda for planning in NSW

B1. Development assessment reforms

In the March 2008 round of COAG talks the *Business Regulation and Competition Working Group Implementation Plan* stated that the working group "recognised that a one size fits all approach to regulating across Australia was not appropriate, with the above reforms leading to either harmonisation or mutual recognition of different systems where this was appropriate or to the development of a single national system where that was justified." The specific objective of development assessment reforms is to "provide greater certainty and efficiency in the development and construction sector by reducing regulatory burdens and delays...noting that local councils remain responsible for their development policies".

The City supports this approach to improve the efficiency of the development application processes across Australia, without reducing the involvement of local communities, through local councils, in the process. In particular, the City supports the model proposed in the Development Assessment Forum's 2005 *A leading Practice Model for Development Assessment in Australia*, which recommends local governments oversee any delegation to professional assessment panels, rather than be replaced by them. As the report notes, this "allows the policy maker to take control of applications that will either have significant impact on the achievement of policy or which, by their nature, are likely to establish policy".

The City encourages changes to state policy to align with the COAG approach, and also recognise the role of local government in creating and implementing effective planning controls. Any State Government changes should also coincide with national changes, to reduce the period of transition and subsequent confusion and uncertainty in the building industry and local communities.

Recommendations

16. Reaffirm a commitment to the COAG agenda of harmonisation and mutual recognition, rather than standardisation, and to retain local councils' role in developing planning controls and assessing development applications.
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B2. e-DA technology developments

The COAG plan to implement a nationally consistent development application process, specifically an 'e-DA' process involving electronic applications, is supported by the City. A common portal for the construction industry for submission and tracking development applications and undertaking community consultation would improve certainty and reduce costs. Local councils would be able to remain responsible for local development policies under such a system.

The City has also supported the State Government's ePlanning policy development, which overlaps with the e-DA process in many respects. The

City has completed preliminary compatibility tests outlined by the State Government, but further details have yet to be released. The City has also developed its own online interface for tracking development applications and publishing details of applications that are on public exhibition.

The City encourages the development of such technology, and considers the Development Assessment Forum (or a similar COAG-related forum) appropriate to ensure national consistency and compatibility. Any State reforms in this area need to be coordinated with federal reforms, especially at the nascent stage to reduce duplication of work and to ensure compatibility. Local councils also need to be consulted at the early development stages, to ensure local initiatives and computer upgrades, for example, are compatible with proposed changes.

The City's current online interface does not include an online DA lodgement process, as the lodgement process is used to control quality of applications. Ensuring plans and statements are adequate and complete is vital in keeping workflows moving and assessment staff workloads manageable. Any online system needs to include checks and balances that replicate this quality control as much as possible, to ensure (gross) assessment times do not increase due to an increase in sub-standard applications.

Recommendations

17. Co-ordinate State and Commonwealth programmes concerning internet-based development applications.
 18. Liaise with councils on any developments in internet-based applications, particularly where it could affect computer system capacity and future upgrades.
 19. Ensure quality control is not compromised at the development application submission stage when using electronic submissions.
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B3. Exempt and complying development

The COAG reform agenda also identifies the extension of exempt and complying development codes, to reduce the need for approval from local government for minor development, and thus reduce costs in construction from delays and uncertainty. Similar plans have been initiated by the State Government, with some draft codes recently released.

The City currently uses exempt and complying development, with codes for the three major LEPs in operation at present. This ambit is intended to be continued into the City Plan. As such, the City supports the use of design and planning codes to limit the need for council approval on minor development. Any changes at the state level should, however, be in line with national codes proposed under the COAG reform agenda. This will reduce the need for transitional uncertainty among stake holders.

The context of the LGA, however, means the type and extent of exempt and complying development is at variance with most of the state, and the common codes being developed by the State Government. The small lot

sizes, attached building design and extensive heritage conservation areas mean potential for residential complying development is limited. In contrast, the extent of potential complying development involved in changing tenancies in the extensive commercial districts in the LGA is higher than in other parts of the state.

The City Plan will incorporate codes that reflect this unique nature and would require any future state-wide codes to be adaptable, to suit the community and built form context. An over-arching principle of common standards and a common, clear presentation of exempt and complying development codes are supported. A protocol for consistent presentation of local variations should be also prepared, to reduce cost impacts from variations to common codes.

Recommendations

20. Continue expansion of exempt and complying development codes, but liaise with interstate agencies to ensure that any future national codes do not result in unnecessary confusion in the construction industry and the community.
 21. Recognise the need for local variations in complying development codes, and develop protocols for presenting local variations to reduce uncertainty.
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See also:

- C1: State, National and Commonwealth heritage listings,
- G1: Variations to the BCA, and
- H2: Industry certainty and application processing

of this submission for recommendations relevant to parts of COAG's National Reform Agenda.

C. Duplication of processes under the Commonwealth EPBC Act 1999 and the NSW planning, environmental and heritage legislation

C1. State, National and Commonwealth heritage listings

Bilateral assessment agreements are in place between the state and federal governments, and, under the COAG reforms, bilateral approval agreements are proposed. The City supports the development of such streamlining measures, to reduce assessment and approval times for state and nationally significant development. Of the seven 'triggers' that require assessment under the EPBC Act, only two apply to the LGA: international and national heritage protection.

Two of the 14 heritage items in the LGA that are on the national and commonwealth heritage lists are not on the State Heritage Register. They are the Victoria Barracks, Paddington, and the former naval stores, Pyrmont. This would technically mean applicants on those sites would need

approval under the EPBC Act, but do not need approval by the Heritage office, so are therefore not covered by a bilateral assessment agreement.

Given the specific circumstances, the recommended solution is to assess the two items for the State Register, rather than systematically change the legislation. The only international heritage item is the Sydney Opera House, which is also protected by all Australian government jurisdictions.

Recommendations

22. Continue to employ and develop bilateral assessments and approvals, in line with the COAG timeframe.
 23. Identify and investigate any 'discrepancies' in local, State and Commonwealth/National heritage listings.
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D. Climate change and natural resources issues in planning and development controls

D1. Climate change, water and sustainable planning

Addressing the challenges of climate change is one of the highest priorities for the City. Scientific evidence, through the UN International Panel on Climate Change (IPCC) and others, strongly indicates human activities that increase greenhouse gases (most commonly carbon dioxide) are causing long-lasting, wide-ranging environmental impacts. There is also compelling evidence to show the extent that energy-intensive, and thus carbon-intensive, urban environments contribute the vast majority of these impacts: electricity, sourced from coal-burning power plants, is used to construct, heat, cool and light the urban environment; and petrol is used to transport the population around it.

Managing the use of the available water resources is also a high priority for the City. There is also evidence that as populations grow, water resources will become scarcer, particularly in urban regions like the LGA. This will likely be exacerbated by the impacts of climate change.

In response to this evidence the City has committed to becoming a recognised leader in creating a less energy- and water-dependent, and thus more sustainable, urban environment. The development of the City's *Environmental Management Plan (EMP)* established definite targets for the LGA, and the City as an organisation, in terms of reducing greenhouse gases, water use, and waste, among other environmental concerns. It has provided a framework for the City to develop a number of projects and programmes, such as introducing co-generation technology and developing an extensive cycleway network.

The City also recognises the impacts of climate change and is preparing a climate change adaptation plan. The plan identifies impacts of climate change in the LGA like increased extreme weather events, drier soil, and air temperature rises. Recognising these likely environmental changes, the City will seek to ensure new building stock, which will continue to operate for 60 to 100 years, is suitable for such an environment. The plan is yet to

be finalised, but it is likely to recommend building stock be built to withstand increased heavy rain events, increased extreme heat events, and drier soil bases.

There are limitations to how much the City can implement in the absence of firm data and research. The State Government needs to provide more data and rigorous analysis on the science behind climate change, to enable concrete cost-benefit analysis of any proposed regulation. The current coastal sea rise analysis being undertaken by the Department of Planning is a good example of what is needed. Future work should provide reliable information on building thresholds under extreme weather events, and comparative costs of carbon reduction methods.

The State Government should also work more closely with local governments, other state governments and the Commonwealth government, potentially through the COAG forums, to promote sharing of best practice, research and data, as well as enable expansion of successful programmes and projects that address climate change and resource management. One successful example of interstate expansion is CitySwitch, a national programme that was initiated by the City, along with Parramatta and North Sydney Councils, as the 3CBDs.

Recommendations

24. Recognise overwhelming scientific evidence that human activity is causing global warming and the historical role of development and the urban environment in contributing to global warming.
 25. Provide resources to develop baseline data and enable strategies that mitigate impacts of development on climate change and future-proof building stock against impacts of climate change.
 26. Liaise with other state and federal governments to create national programmes or learn from other state's programmes that address climate change.
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D2. Improving building performance

Improving the performance of environmental systems in buildings is a priority of the City. Climate control and lighting of buildings is one of the major sources of carbon emissions from urban environments, and water use in buildings is a large source of the resource depletion.

New buildings have an expected lifespan of at least 60 years, to over 100 years for buildings under strata title. Therefore, the environmental cost of not intervening during construction is high, as alterations are less likely to achieve the same level of efficiency and will be more expensive. Inefficient building stock will continue to be environmentally damaging for many years.

Further, any financial savings in construction costs made by reducing environmental system performance will be significantly outweighed by operating costs in a period of significantly higher energy and water prices.

Retrofitting existing building stock in the future is also more expensive than future-proofing during construction.

Mandating building performance at construction is one of the fairest mechanisms for policy intervention. Mechanisms that intervene at other points in a building's life, such as point of re-sale, are difficult to implement and, as outlined above, do not achieve as high a level of efficiency. By mandating the performance standards, the cost of the improvements for individual buildings are reduced in two ways. One, it creates a market for technology and efficient systems, which enables a greater economy of scale. Two, by adding uniform construction costs across all building stock, (which, as outlined above, are recouped across the building lifecycle) it reduces the market disadvantage incurred by those who adopt voluntary improvements.

Currently there are limited mechanisms for requiring improved building performance through the planning framework. The introduction of the BASIX SEPP, while innovative at its introduction, falls short of best practice in both legislative scope and the thresholds it requires of new buildings.

The State Government needs to expand the ambit of the BASIX SEPP, both in terms of the development types (beyond single residential buildings), and in terms of the environmental issues it addresses (beyond water and energy). The State Government should also commit to an ongoing review of the benchmarks required, so as to ensure best practice is maintained as technology and understanding improve.

The City, in an attempt to mandate higher building performance and to promote sustainable built environments, recently released a draft *Ecologically Sustainable Development (ESD) DCP*. It complemented existing voluntary building performance rating systems and State Government initiatives like BASIX. The BASIX SEPP, however, limited the City's ability to increase mandated performance thresholds locally, even where policies sought to improve environmental performance using different measures than BASIX.

Other building standards, including the BCA, should be updated to require the most efficient standards possible, not simply reflect the minimum standards for safety and basic amenity. Future changes should also, as outlined under A2 of this submission, encourage and support such innovative approaches as the draft ESD DCP.

Future policy developments should also explore possible mechanisms for mandating the improvement of existing building stock, to further distribute the costs of improving environmental performance.

Recommendations

27. Commit to improving building performance in line with projected demands in changing environmental conditions.

28. Investigate the opportunity cost- both financial and environmental- of not intervening at the new construction stage, through increased costs in building operation and the need for retro-fitting.
 29. Expedite the expansion of existing frameworks for addressing climate change, such as BASIX.
 30. Explore avenues for improving the performance of existing building stock, to reduce the burden on new development.
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E. Appropriateness of considering competition policy issues in land use planning and development approval processes in NSW

E1. Supermarket retail environment

The appearance of this matter in the Terms of Reference is a result of the Australian Competition and Consumer Commission (ACCC)'s *Inquiry into the Competitiveness of Retail Prices for Standard Groceries*, July 2008. The public were invited to make submissions to this inquiry, and one submission, a report titled *Choice Free Zone* from Urban Taskforce Australia has been particularly well-referenced in recent debates.

Urban Taskforce is a NSW-based industry organisation representing property developers, equity financiers and others with an interest in property development. *Choice Free Zone* reports that NSW planning controls restrict retail competition and effectively result in higher retail prices, particularly in groceries and basic household goods. The report argues that centres planning policies prevent competitiveness in supermarket retailing.

In the ACCC's response to submissions, it was found that grocery prices are possibly inflated for a variety of reasons, and one of these reasons may be because new retailers, supermarket retailers in particular, find it difficult to get sites within urban areas. Further still, the report found that this was a result of many factors, not just restrictive planning controls. The inquiry also heard evidence that Coles and Woolworths "*engage in deliberate strategies designed to ensure they maintain exclusive access to prime sites. In particular, both supermarket chains include terms in their leases which effectively prevent centre managers leasing space in centres to competing supermarkets*". This has been found to be a key reason for the increase in food prices. As such, any inquiry into planning legislation will not be able to resolve the issue of increasing competition between groceries retailers.

In regards to planning laws specifically, the report found that zoning and planning frameworks can act as barriers to new supermarkets being established because controls tend to protect existing centres which already have a supermarket site. The consultation process can also be an obstacle for supermarket development because resident concerns are given real weight in this process. It was revealed that existing supermarkets also used planning objection rights to protect their opportunities for new stores and to protect existing business.

In recognising the potential impacts of planning controls, the ACCC also acknowledged that zoning and planning policies are designed to preserve public amenity and achieve other planning outcomes. Providing adequate retail opportunities to maintain supermarket competition is just one consideration in a wide range of interests that need to be protected through strategic planning.

The City submits that the findings of this inquiry should not discourage councils from excluding supermarkets from land use zones for the reason that it has an impact on retail competition. Supermarkets should not be permitted in certain land use zones in the City of Sydney for a variety of reasons. One example is the City's objective (and the State's direction) to protect industrial lands. Supermarkets in industrial locations are not appropriate in that this would generate conflict between the ongoing operation of industrial land uses and providing a safe environment for increased visitors to an area. The City also maintains that supermarkets should not be permitted in residential zones. In the draft City Plan, the City intends to exclude bulky goods from most areas, and also place limits on the amount of retail permissible within sites in the industrial zone and employ mechanisms to protect the retail hierarchy proposed for the Green Square Urban Renewal Area.

Recommendations

31. Develop a methodology to assess economic impact and consider issues of retail competition in strategic planning.
 32. Develop a clear framework for undertaking an Economic Impact Assessment for applicants and consent authorities.
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E2. Centres planning policy

The City would also like to see this inquiry support future planning policy that is based on the creation of mixed use centres, even in the knowledge that this may result in preventing retail development outside of centres.

The City's strategic planning is guided by the NSW State Government's *Metropolitan Strategy* and seeks to achieve the objectives of *Sustainable Sydney 2030*, which has also been supported at State level. Centres policy is fundamental to both of these broader strategies, and involves focussing primary retail development in identified mixed use centres where they can be supported by residential populations, complementary businesses and services and supporting community and transport infrastructure.

This methodology is essential in creating connected and vibrant communities, and would not be possible without opportunities in the planning framework to encourage and prohibit certain land uses in particular land use zones. Centres policy is also fundamental to planning for future investment in the public domain and public transport infrastructure improvements, cycle and walking connections, open spaces and green connections. The creation and protection of centres is therefore also a way to plan for more environmentally sustainable outcomes.

Centres policy is also about achieving orderly and economic development. While new retail investment provides an opportunity for increased competition, this should have regard to the potential impact on existing investment that has been made by property owners, business owners and local councils. Orderly and economic development reduces the potential of oversupply of retail space, which ultimately impacts negatively on existing investment made by investors and retailers, including small independent retailers.

In trying to plan for mixed use centres, the City recently had consultants prepare the *Green Square and Southern Areas Retail Study 2008*. This report was commissioned to provide direction for retail planning in the urban renewal areas in the City's south. Because the area is undergoing significant change, retail development is now in demand. Development applications for supermarkets in various parts of the area's extensive mixed-use zoned areas are now being received by the City, and there was previously little guiding policy on where centres should be formed in the area.

The Study also had to consider that the Green Square Town Centre (situated in the centre of the study area) is identified in the Metropolitan Strategy as a 'Planned Major Centre', a category that includes other centres like Bondi Junction or Rouse Hill. The outcomes of the Study were an assessment of retail demand in the study area and recommendations for a hierarchy of retail centres that both adequately serves the area's needs and supports the development of the Town Centre as the primary retail and community hub.

This Study has been endorsed by Council to inform the *City Plan*. It is proposed to encourage retail development in the identified centres, and limit retail development outside of the centres. At this stage, it is recommended that retail development in the mixed use zone be limited to have a floor plate of 750sqm. It is also intended that retail development outside of centres should not have a negative economic impact on the identified centres and the onus will be on the applicant to demonstrate this point.

The City maintains that this approach to planning for centres is appropriate in that it will result in the creation of well-connected and well-serviced centres whilst providing adequate retail development for the area.

One way the planning framework can support competition between centres is by providing for enough supermarkets in the area and by not restricting the types of supermarkets. This is the approach taken by the *Green Square and Southern Areas Retail Study 2008*. Other factors which may be inhibiting the development of supermarkets (such as restrictive lease arrangements within shopping centres) are beyond the scope of the planning framework.

Recommendations

33. Include a resolution that centre-based planning is an appropriate planning response and a fundamental part of achieving the State's and the City's strategic visions.
 34. Provide a framework for assessing retail demand in a planning area, in order to determine what retail facilities would serve the population and generate enough healthy competition – and then prepare planning controls that promote this outcome.
 35. Review the *Metropolitan Strategy* and the subsequent Sub-Regional Strategy's hierarchy of centres – both in its recommendations and in its methodology. The definition of centres needs to be refined, and some planning provisions need to be developed to encourage, or in some cases protect the identified centres.
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F. Regulation of land use on or adjacent to airports

F1. Development not related to aviation

The 2003-04 *Sydney Airport Master Plan* identified large areas of the airport site to be used for commercial development. In line with this master plan the owners of Sydney Airport sought consent for a large commercial development including the retailing of bulky goods on the site. The application was eventually rejected by the Federal Government, primarily on the grounds of security, but also partly because of the opposition to the development from surrounding councils and the State Government. Despite this opposition, the 2008 update to the master plan again identifies potential for non-aviation related development on the airport site.

The City restates its opposition to non-aviation development on the airport site. Such development would have significant impacts on surrounding public infrastructure and traffic as commercial activities draw visitors and as growth in aviation-related development is pushed further away from the airport itself. Added safety and security measures that respond to the increase in visitor levels also remain to be addressed.

The extensive commercial floor space also potentially undermines the viability of surrounding commercial centres identified in the *Metropolitan Strategy*. It also undermines the airport as a site for the growth of aviation-related development, and as potential industrial employment land.

The State Government should engage the Commonwealth and work to integrate the zoning and land use of the airport site with state strategies. This should include the limitation of non-aviation related development onsite. The State Government should also advocate a more proactive and robust planning role for the consent authority (i.e. the relevant Commonwealth Minister), rather than relying on the owner and developer to prepare master plans.

Recommendations

36. Work with the Commonwealth to limit the amount of non-aviation related development on the airport site.
 37. Work with the Commonwealth to integrate land uses and expected growth of the airport site into the Metropolitan Strategy, and other planning policy.
 38. Work proactively with the Commonwealth to develop more robust strategic planning for the airport site in relation to state planning strategies, and reduce the dependence on owner-prepared master plans.
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F2. Consultation between planning authorities

The master plan process has also involved inadequate consultation with other stakeholders, including the City. As the airport master plan site is adjacent to the LGA, it has significant impacts on possible building heights, and aircraft noise affects permissible uses within parts of the LGA. There are also the impacts discussed above, concerning traffic and infrastructure demands. Despite this, the City has not been consulted as part of the development of the master plans, except as part of the public submission process.

The State Government should liaise with the Commonwealth to develop more extensive consultation requirements with stakeholders as part of the relevant federal planning legislation, the *Airports Act 1996*. The City would like to see the Commonwealth, in its role as consent authority for development on the site, play an active role in the consultation process, in addition to any consultation by the owner and developer.

Recommendations

39. Work with the Commonwealth to develop more robust requirements for consultation of development proposals on the airport sites under federal legislation.
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G. Inter-relationship of planning and building controls

G1. Variations to the BCA

The COAG reform agenda identified local and state variations to the BCA as an area of concern, as it potentially impacts housing affordability and erodes national building standards. Under the agenda the intention is to minimise building standards additional to those required by the BCA, and require a regulation impact analysis for any proposed additional requirements.

The City supports these broad intentions, but reiterates its position that there is a role for local variations to building standards. The BCA represents a minimum standard for safe construction across Australia. It does not attempt to constrain demands on public infrastructure, such as

energy and waste, and does not reflect the differences between local environments and community needs. A nationally consistent standard for construction is an efficient avenue for baseline amenity requirements, but it cannot provide a means for representing the differences between communities in Australia.

As part of the COAG reforms a report by the Australian Building Codes Board identified and examined some examples of additional local requirements. The report recognised that in each example there were additional benefits to the community and increased amenity in the buildings.

The analysis also involved determining if there was a hypothetical financial benefit over the life of the building, by evaluating a 'willingness to pay' for the additional building requirements. The report concluded that there was a net financial benefit for all the interventions examined, within a decade in most cases, and within the life of the building in all cases. The report concludes that because there was a financial benefit the market would achieve the same outcome.

The net financial benefit over a building's life does not equate to a market for the improvement at the time of construction. In many cases the local intervention is to future-proof building stock. Demand is likely to increase over time for certain building standards, whether through demographic shifts like an ageing population, environmental changes, or economic circumstances like increased energy prices.

The report concludes that costs of additional requirements affect housing affordability. While it does create extra costs, in the LGA additional costs are marginal because property values are already high. The City employs a variety of mechanisms to achieve policy objectives, and regulation is only applied after extensive impact assessment.

Further, if building stock constructed now cannot meet future demand, it will need to be replaced prematurely, at a greater cost than any additional requirements on current construction. Premature new construction or a shortfall in adequate building stock in the future will affect housing affordability at that time. The construction of a building is the cheapest point to future-proof a development, preventing such an outcome.

The report also identifies regulation as eroding national standards and thus inhibiting efficient economy of scale for industry. Housing markets are not nationally consistent, though, so housing stock is unlikely to be uniform in any case. The City is a unique LGA, and is the heart of a global city. Future housing markets are likely to be different to other parts of Australia, and the City is best positioned to understand and plan for these demands. The City recommends, as outlined in A2 of this submission for the State Government to recognise the importance of local variations. The State Government should work within the COAG forums to develop regulation impact assessment protocols that govern the justification and application of local variations.

Recommendations

40. Continue to work with other government agencies to strengthen standards in the BCA.
 41. Recognise role of local development standards that require additional requirements to building design, over those prescribed in the BCA.
 42. Develop a protocol for measuring the impacts- both positive and negative- of any proposed local variations.
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H. Implications of the planning system on housing affordability

H1. Reconciling supply and demand for housing

Land use planning, through land release, density controls and land zoning plays a role in the supply of housing stock. These mechanisms attempt to position growth, not limit it. This is to ensure long term shifts in demographics and populations can be matched by the capacity of infrastructure and amenity in various locations. Planning policy requires stability, transparency and long term projections to ensure land values are stable and development is equitably distributed. Increasingly, State Government strategies are projecting housing and outlining development targets through the Metro Strategy and subsequent sub-regional strategies.

The demand for housing is dictated by longer term trends in population growth and movements, but is also dictated by prevailing economic climate, including factors like credit availability, inflation and living costs. The economic climate is more susceptible to short term fluctuations, meaning demand will at times outstrip supply.

Adjusting planning systems to such short term fluctuations for the purpose of maintaining housing affordability would undermine a number of other tenets of the system: such as controlling the location of growth, maintaining amenity, and protecting natural resources. Also, if zoning and permitted densities were adjusted to meet booming markets, they would simply exhaust themselves earlier.

The *Metro Strategy*, *Sustainable Sydney 2030* and the *Draft City Plan* give consideration to housing affordability, incorporating as much residential capacity as amenity and local community infrastructure can absorb without eroding the amount of viable employment lands. Other planning mechanisms like mixed use zoning, and strategic site identification such as Ashmore Estate and Green Square increases possible additional growth.

The provision of affordable housing is a priority of the City and a number of other initiatives are employed to improve the current conditions. Undermining the foundations of land use planning, however, will not improve the affordability of housing in the long term, so is not supported by the City.

Recommendations

43. Commit to foundations in the planning system, based on long term demographic projections and stability in zoning to support land values and infrastructure development.
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H2. Industry certainty and application processing

Creating certainty in the regulatory environment is another aspect of the planning framework that can improve housing affordability. Clarity in assessment procedures and permissible development standards across the LGA minimises surprises for the construction industry, and the local community, and the associated costs. Streamlining approvals and improving clarity in controls was identified by the COAG agenda as a key reform area to reduce impacts of regulations on housing affordability.

The City welcomes continued streamlining of application processing, such as e-DA technology and complying development codes, to improve certainty and reduce costs for the construction industry. The current assessment performance of the City, as outlined in A1 of this submission, also provides an example of how efficient application processing can be achieved under the current framework.

Recommendations

44. Continue to streamline application processing and increase ambit of code-based development assessment, in line with COAG agenda.
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H3. Affordable housing initiatives

Sustainable Sydney 2030 establishes an ambitious target that by the year 2030 7.5% of all housing in the City will be affordable housing and 7.5% will be social housing delivered by 'Not-for-profit' or other providers. Achieving this target requires over 8000 additional dwellings (or around 20 per cent of all new dwellings) be provided as subsidised affordable or social dwellings in the LGA by 2030.

While achieving targets within *Sustainable Sydney 2030* will largely rely on the policies of other levels of government to increase the capacity of the not-for-profit sector and encourage the investment of the private sector in affordable housing, direct provision of affordable housing by Council will have a limited, but important role.

The City is committed to addressing affordable housing issues within the LGA. On 29 April 2008, the City and the NSW State Government signed a Memorandum of Understanding to explore the feasibility of the City and the State Government partnering to develop affordable housing on a 3.6 hectare site in Glebe-Ultimo, currently owned in separate parcels by both levels of government. This \$260 million project will build up to 700 new affordable, social and private housing units aimed to both address the city's affordable housing shortage and be a demonstration project.

In parallel with *Sustainable Sydney 2030* the City has also been developing a draft affordable housing strategy with specific actions aimed at achieving affordability targets. The draft strategy is the result of an extensive housing analysis undertaken by the City to identify housing issues in the LGA. The draft strategy takes a multi-pronged approach to protect and facilitate affordable housing in the LGA and employs a number of strategies to facilitate affordable housing in the City.

Importantly, the draft strategy aims to facilitate the direct provision of approximately 3000 affordable housing dwellings by the City to 2030, partly by employing planning mechanisms that will ensure new development includes a proportion of affordable housing.

While the need for appropriate planning mechanisms to facilitate affordable housing is recognised in both the Metro strategy and the Sub-regional strategy, to date there has been little guidance from the State Government on how this is best to be achieved. The State Government needs to provide councils with more guidance on how they might best facilitate new and protect existing affordable housing.

Recommendations

45. Introduce legislation enabling local governments to establish an affordable housing levy to require affordable housing in all new developments.
 46. Work closely with local governments and the Commonwealth government to: identify government owned sites that may be appropriate for social and affordable housing; increase funding to the not-for-profit sector to facilitate affordable housing; and encourage private sector investment in affordable housing.
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Summary of recommendations

1. Commit to improving the implementation of the existing planning framework, rather than overhauling it with major changes.
2. Implement strategies and provide resources to improve underperforming areas in the current framework, which do not impede existing effective planning procedures.
3. Recognise the positive examples of the existing planning framework and work to replicate these across the state.
4. Recognise the importance of local provisions and innovation to ensuring the planning system responds to local environments and community needs.
5. Allow local variations to common development standards where justification have been demonstrated.
6. Develop criteria and procedures for demonstrating outcomes of local provisions and variations.
7. Develop protocols for sharing and standardising local provisions between consent authorities.
8. Strengthen legislative assurance for community consultation.
9. Develop community consultation requirements for the planning framework that are defined in advance, protected by legislation, and consistent between developments of similar significance.
10. Enhance community consultation at the plan making stage, particularly for the preparation of SEPPs.
11. Consult strategically with government agencies with regard to new plans, to reduce delays at case-by-case consultation.
12. Continue to reduce the number of planning instruments.
13. Strengthen the role of LEPs, and delineate their role from that of SEPPs.
14. Continue to standardise the presentation of planning instruments, including SEPPs.
15. Avoid placing additional financial burdens on councils, and provide assistance where procedures increase the work load of local governments.
16. Reaffirm a commitment to the COAG agenda of harmonisation and mutual recognition, rather than standardisation, and to retain local councils' role in developing planning controls and assessing development applications.
17. Co-ordinate State and Commonwealth programmes concerning internet-based development applications.

18. Liaise with councils on any developments in internet-based applications, particularly where it could affect computer system capacity and future upgrades.
19. Ensure quality control is not compromised at the development application submission stage when using electronic submissions.
20. Continue expansion of exempt and complying development codes, but liaise with interstate agencies to ensure that any future national codes do not result in unnecessary confusion in the construction industry and the community.
21. Recognise the need for local variations in complying development codes, and develop protocols for presenting local variations to reduce uncertainty.
22. Continue to employ and develop bilateral assessments and approvals, in line with the COAG timeframe.
23. Identify and investigate any 'discrepancies' in local, State and Commonwealth/National heritage listings.
24. Recognise overwhelming scientific evidence that human activity is causing global warming and the historical role of development and the urban environment in contributing to global warming.
25. Provide resources to develop baseline data and enable strategies that mitigate impacts of development on climate change and future-proof building stock against impacts of climate change.
26. Liaise with other state and federal governments to create national programmes or learn from other state's programmes that address climate change.
27. Commit to improving building performance in line with projected demands in changing environmental conditions.
28. Investigate the opportunity cost- both financial and environmental- of not intervening at the new construction stage, through increased costs in building operation and the need for retro-fitting.
29. Expedite the expansion of existing frameworks for addressing climate change, such as BASIX.
30. Explore avenues for improving the performance of existing building stock, to reduce the burden on new development.
31. Develop a methodology to assess economic impact and consider issues of retail competition in strategic planning.
32. Develop a clear framework for undertaking an Economic Impact Assessment for applicants and consent authorities.
33. Include a resolution that centre-based planning is an appropriate planning response and a fundamental part of achieving the State's and the City's strategic visions.

34. Provide a framework for assessing retail demand in a planning area, in order to determine what retail facilities would serve the population and generate enough healthy competition – and then prepare planning controls that promote this outcome.
35. Review the *Metropolitan Strategy* and the subsequent Sub-Regional Strategy's hierarchy of centres – both in its recommendations and in its methodology. The definition of centres needs to be refined, and some planning provisions need to be developed to encourage, or in some cases protect the identified centres.
36. Work with the Commonwealth to limit the amount of non-aviation related development on the airport site.
37. Work with the Commonwealth to integrate land uses and expected growth of the airport site into the *Metropolitan Strategy*, and other planning policy.
38. Work proactively with the Commonwealth to develop more robust strategic planning for the airport site in relation to state planning strategies, and reduce the dependence on owner-prepared master plans.
39. Work with the Commonwealth to develop more robust requirements for consultation of development proposals on the airport sites under federal legislation.
40. Continue to work with other government agencies to strengthen standards in the BCA.
41. Recognise role of local development standards that require additional requirements to building design, over those prescribed in the BCA.
42. Develop a protocol for measuring the impacts- both positive and negative- of any proposed local variations.
43. Commit to foundations in the planning system, based on long term demographic projections and stability in zoning to support land values and infrastructure development.
44. Continue to streamline application processing and increase ambit of code-based development assessment, in line with COAG agenda.
45. Introduce legislation enabling local governments to establish an affordable housing levy to require affordable housing in all new developments.
46. Work closely with local governments and the Commonwealth government to: identify government owned sites that may be appropriate for social and affordable housing; increase funding to the not-for-profit sector to facilitate affordable housing; and encourage private sector investment in affordable housing.