

**Submission  
No 205**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

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**SUBMISSION TO NSW PARLIAMENTARY INQUIRY: PLANNING SYSTEM AND THE IMPACTS OF**

**CLIMATE CHANGE ON THE ENVIRONMENT AND COMMUNITIES**

**Introduction**

The planning system in NSW faces an unprecedented challenge. It is dominated by decisions made at a local level by Councils accountable to local populations and this equips it poorly for the strategic, large-scale solutions that are needed in response to climate change and population growth.

It is widely recognised that greater population density can have improved health and wellness benefits and has the potential to address multiple challenges associated with climate change, including by avoiding or reducing pressure for population expansion into areas that

- are comparatively more exposed to extreme heat, flooding and bushfires;
- threaten the systems that buffer these extremes locally (tree cover, wetlands, porous surfaces) and globally (climate change itself).
- are less-well-served by community infrastructure (e.g. public transport, indoor recreation facilities, health services) capable of reducing or addressing the impact of these changes on people; and

While attention is often drawn to primary results of climate change, such as extreme weather, the range of secondary effects that affect community standards of living also warrant consideration – for example structurally higher costs associated with

- food (as a result of climate-related impacts on agricultural production
- housing, given the higher costs of new infrastructure and more energy-efficient, hazard-resistant buildings.

transport and energy, as greater efforts are made to contain global temperature rises.

- The required performance standards for construction of new buildings, including housing, is currently very low, and will need to be raised to a level where energy consumption is reduced to zero.

The measures of environmental impact cannot just be the individual building usage, as it is currently, it needs to be a whole of development assessment for new greenfield developments.

These (and other) well recognised benefits of density<sup>1</sup> are the rationale for the State's encouragement of denser development.

However, as architects, we observe several planning-related impediments to increasing urban density and therefore reducing the impacts. We offer these observations to highlight areas where we believe changes to the planning system would be beneficial.

## Impediments to densification in NSW

### 1. Local rules obstructing densification.

The most easily recognised impediments to improving urban density in NSW are specific constraints imposed by local councils such as low-density zoning; lot size minimums; height and setback limits; floor space ratios; and parking and open space requirements. Applied rigidly and irrespective of State-level priorities or site-specific circumstances, these needlessly stymie design-based solutions that could advance the *real* priorities underlying Council's rules (e.g. the acceptability of a proposal to the community).

For example, the requirement for parking in areas that are well-served by public transport adds very significant costs, for questionable benefits. It makes many developments economically unviable *as well as* aesthetically unappealing to local communities and their decision-makers.

Similarly, rules blocking subdivision of larger single dwellings in inner urban areas (e.g. conversion of terraces into duplexes, as is common in other countries), prevent increased density even where the building envelope is unchanged.

Requirements such as these block many potential opportunities for high quality, higher density development (particularly infill), even where these could advance the priorities that the requirements are intended to support. Addressing this would require Council assessments to more completely and consistently incorporate architectural design expertise, which is not currently the focus.

Lost opportunities for medium density infill, in particular, deny communities familiarity with sympathetic medium-density developments, for instance through social interaction with neighbours who enjoy living in medium density developments. In the absence of such experience, wariness crowds out confidence in the benefits density brings residents; sustains reflexive community opposition to change; and perpetuates this, via political processes, into the rules Councils' prescribe.

### 2. Economic challenges

The burden of compliance with planning instruments (including, and not limited to, strategic plans, local environmental plans, development control plans, state environmental planning policies, and regional plans) add not only to the costs associated with physical compliance, but those of preparing development proposals.

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<sup>1</sup> See <https://theconversation.com/why-urban-density-is-good-for-health-even-during-a-pandemic-142108>

Similarly, the time required due to a mismatch of applications and staffing; and uncertainty of outcomes for planning decisions due to the involvement of multiple authorities, concurrences, referrals, and appeals; reduce the confidence of developers and investors, increasing the returns they require to compensate for these risks (and thus adding to overall costs).

### 3. Structural conflicts of interest

A mismatch between local and State planning powers and priorities is a fundamental obstacle to greater density, and one cause of the inflexibility of Local Council rules (described above).

While there are a number of State-based initiatives that have sought to address this, such as the Low Rise Housing Diversity Code these have been largely ineffective at causing local decisions to be responsive to State priorities. The number of low rise, low to medium density, development has not increased since the introduction of the code.<sup>2</sup>

- Local councils are responsive to their local electorates' priorities, such as avoiding densification they believe risks reducing local amenity. Evidence-based strategies "imposed" by State level departments cannot compete with the need for local Councils to survive popular election. This is a structural issue because loss of local support places any such strategic decision at risk of reversal by subsequently elected officials.
- The fragmentation of responsibilities and approval powers across State and local levels enables local authorities to frustrate State level strategies.
  - For example, State level complying development rules, intended to facilitate low rise medium density development, introduced to circumvent local opposition to densification, can be neutralised by a Council's changing an LEP, to restrict where multi-unit residential development can occur.
  - A further consequence of this is a sharply bifurcated mix of development types; single-family dwellings acceptable to the local council, and high rises whose economics allow for sustained, professional (legal) avenues for overcoming local council opposition, instead of low to mid rise medium density development.
- The lack of integration of local planning with other policy domains, such as transport, infrastructure, housing, environment, and health means synergies that would improve the economic viability of developments are lost.

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<sup>2</sup> <https://www.tandfonline.com/doi/full/10.1080/07293682.2022.2113548>

**Recommendation**

While a number of initiatives<sup>3</sup> have sought to introduce the kind of leadership, vision and strategy required to address some of the obstacles described above; they have been unable to gain traction in the context of alternative priorities associated with shorter term political cycles.

We recommend addressing the structural issues described in section 3 as a matter of priority, to ensure the durability of any State-based planning reforms capable of supporting the development of a more sustainable, resilient built environment in NSW.

Yours Sincerely,

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<sup>3</sup> Greater Sydney Commission, Greater Cities Commission