

Department of Infrastructure, Transport, Regional Development,
Communications and the Arts
Submitted via [‘Have Your Say’ Website](#)

11 July 2024

Dear Sir/Madam,

SUBMISSION TO THE DRAFT NATIONAL URBAN POLICY

Thank you for the opportunity to provide feedback on the Consultation Draft National Urban Policy (the Policy).

We support the key goals (Liveable, Equitable, Productive, Sustainable and Resilient), as well as the objectives and principles of the Policy. These align with Wollondilly Shire Council’s Local Strategic Planning Statement ‘Wollondilly 2040’, which guides the land use planning vision for development within the Shire.

The Wollondilly Shire is part of Western Sydney, and is experiencing significant population growth through existing and proposed release areas of Wilton and Appin. The significant challenges of wide scale urban development, via release of growth areas in Western Sydney, should be reflected upon to inform this Policy and its future actions. This is to ensure future growth areas have required infrastructure funded and delivered up front, to deliver housing efficiently.

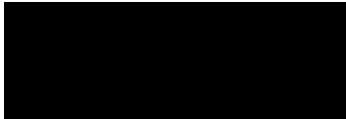
Whilst the overall vision of the Policy is supported, it is recommended that the Policy is amended to ensure its effective implementation into planning practice. This includes:

- Recognising the need for major infrastructure to be funded and delivered;
- Identifying the responsible tier of Government for infrastructure delivery, to ensure accountability;

- Reviewing the barriers in implementing the Policy into planning legislation to ensure it can be enforced at the State level;
- Delineating where the Building Code of Australia will be amended to implement the Policy;
- Specifying timeframes and responsibilities of all actions, to ensure there is accountability and tracking of progress; and
- Including anthropogenic disaster preparedness, e.g. pandemics, as part of Objective 3: Our urban areas are safe.

If you require any further information or clarification in response to this submission please contact Council's Senior Strategic Planner, Nancy-Leigh Norris, on 02 4677 1100 or Nancy-Leigh.Norris@wollondilly.nsw.gov.au.

Yours faithfully,



Martin Cooper
Director Shire Futures

Our Position

Council supports the overall vision of the Draft National Urban Policy (the Policy), however recommends changes as per this submission, to ensure effective implementation of the Policy into planning practice.

Our Recommendations

Recommendation 1:

Planning for growth areas in Western Sydney is reviewed when developing a National Growth Area Framework, to ensure future growth areas have essential infrastructure planned, funded and delivered upfront, to ensure their success and reduce delays.

Recommendation 2:

The Policy is updated to recognise the need for significant Federal and State investment to ensure the delivery of major infrastructure, e.g. sewer, road and rail upgrades and links to support growth.

The responsibility of each level of Government is identified regarding infrastructure investment and delivery, to ensure accountability. This is to recognise the limitations of Local and State Governments in funding infrastructure.

Recommendation 3:

The Federal and State Governments look at barriers to the implementation of the Policy within existing planning legislation. This will ensure the principles for urban development can be embedded into relevant legislation so they are assessed and enforced as part of the planning framework.

Recommendation 4:

The Policy clearly delineates where the Building Code of Australia, and other standards and legislation, will be updated to implement the desired Policy outcomes.

Recommendation 5:

The Policy clearly specifies timeframes and responsibilities of all actions, to ensure there is accountability and tracking of progress of the Policy.

Recommendation 6:

The Policy is amended to include anthropogenic disaster preparedness, e.g. pandemics, as part of Objective 3: Our urban areas are safe.

Response to proposed amendments

1. Nationally Consistent Growth Area Framework

The following action from “Objective 1: No-one and no place left behind” is supported by Council:

“Collaborate with state, territory and local governments and community organisations to:

- *Support the development of a nationally consistent framework for national growth areas that establishes standards for infrastructure and services.”*

Western Sydney, including Wollondilly Shire, is experiencing significant population and housing growth through the development of State-led growth areas. Within Wollondilly this includes Wilton, providing 15,000 dwellings for approximately 42,000 residents by 2040, and Appin with 21,000 dwellings and approximately 68,000 residents, by 2040+.

Despite Wollondilly playing a critical role in delivering necessary housing and catering for population growth for Greater Sydney, the essential enabling infrastructure required to support the growth has not been delivered. In particular, water and waste water services are not available despite availability of rezoned land since 2018, which ultimately leads to a delay in the delivery of supply. Additionally, there is a significant lack of investment in transport and social infrastructure to service the additional population.

To ensure the success of growth areas, there must be upfront infrastructure planning, funding and delivery prior to their rezoning and development. The numerous examples of growth areas in Western Sydney should be reviewed when preparing a national framework for growth areas, to ensure future growth areas are effectively planned and delivered.

It is recommended that:

- Planning for growth areas in Western Sydney is reviewed when developing a National Growth Area Framework, to ensure future growth areas have essential infrastructure planned, funded and delivered upfront, to ensure their success.

2. Investment in Infrastructure Delivery

The Policy discusses the need for investment in the following types of infrastructure throughout the document:

- social and cultural
- transport and services, particularly walking, cycling and e-mobility
- telecommunications
- parks and public spaces
- community gardens
- wildlife infrastructure

Within the Policy, there is a lack of recognition of the need and importance of major transport infrastructure investment and delivery, e.g. roads and rail. These significant projects by the Federal and State Governments are critical in the delivery of sustainable, healthy and productive urban areas as envisioned by this Policy, therefore should be recognised as a high priority.

Additionally, the Policy is not clear on the responsibility for the funding or delivery of infrastructure by the different levels of Government. In regards to Local Government, Councils have rates and development contributions as the two main sources of income generation, both of which are heavily regulated and capped. Therefore, Councils are limited in the funding and delivery of infrastructure for the community, and are not in a position to deliver aspirational levels of infrastructure.

In regards to the NSW State Government, they have not been able to sufficiently fund and deliver the essential infrastructure and services to cater for population growth from State-led rezoning's which have already occurred. This includes schools, health, water and wastewater, transport, regional open space etc. Therefore, the aspirational vision in the Policy for additional active transport and social/cultural infrastructure etc. is unlikely be able to be delivered by the State Government.

The Policy is to clearly identify how the desired infrastructure will be delivered, as the existing system is not able to provide this vision.

It is recommended that:

- The Policy is updated to recognise the need for significant Federal and State investment to ensure the delivery of major infrastructure, e.g. road and rail upgrades and links to support growth.
- The responsibility of each level of Government is identified regarding infrastructure investment and delivery, to ensure accountability. This is to recognise the limitations of Local and State Governments in funding infrastructure.

3. Implementation of Policy Actions into Planning Practice

The Policy includes a range of sustainability, social and health focused actions which are supported by Council, including the following:

- protection and enhancement of heritage places and cultural landmarks
- inclusive urban design principles to enhance urban safety
- co-design of public spaces
- circular economy principles
- sustainable resource-efficient urban design
- lower emissions active travel
- energy performance ratings for new buildings
- greening of public open spaces
- planting trees and other vegetation to provide cooling and shading
- access to grocer and food markets are integrated as an essential service

Whilst these broad policy positions are supported by Council, they are not able to be delivered within the existing planning system, due to barriers with NSW State Government legislation, including:

- *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2021*;
- State Environment Planning Policies, e.g. *SEPP (Exempt and Complying Development Codes) 2008*; and
- Standard Instrument Local Environmental Plans (LEP's).

If the ideal outcomes within this Policy are not supported by State Government legislation, they won't be implemented in practice. The policy outcomes can't be enforced or implemented at the Local Government level without the backing of legislation.

Currently, the existing legislation means that the policy outcomes are not enforceable. For example, limiting fast food options and prioritising healthy food options is not achievable due to availability of permissible uses within LEP's. Similarly, where local provisions may be in place, they are often overridden by State legislation. For example, controls which exacerbate urban heat, such as limited tree planting, are embedded within the State Government's Complying Development provisions which override local controls.

As developers are not engaged or invested in the long-term consequence of their decision making, and seek to minimise costs and maximise profit, the ideal outcomes within the Policy are unlikely to be delivered by the private sector without enforcement through legislative requirements. This is frequently evident in planning practice, where developers and lobby groups push back on amendments to legislation which seek better design outcomes, as it is a cost to their profit margins.

The NSW State Government is yet to support strong health and wellbeing outcomes in their existing planning legislation to ensure it is a matter for consideration. Where

improvements to the system are proposed (for example the proposed “SEPP Design and Place”), these have been abandoned due to industry pressure.

It is recommended that:

- The Federal and State Governments look at barriers to the implementation of the Policy within existing planning legislation. This will ensure the principles for urban development can be embedded into relevant legislation so they are assessed and enforced as part of the planning framework.

4. Changes to Building Code of Australia

The Policy includes a number of actions relating to improving development outcomes, including the following:

- sustainable design, planning and construction methods
- preparation and mitigation of disaster and climate risk
- recycled and bio-based materials
- sustainable resource-efficient urban design
- waste reduction, including refurbishment and re-use
- urban heat resilience
- energy performance ratings for new buildings

As noted in Point 3 above, the development industry generally does not go beyond the standard requirements for construction, e.g. Building Code of Australia. The policy outcomes for sustainable development and improvements to construction will not be able to be achieved solely through policy direction, and are to be enforced through legislation.

This will require the Policy to be embedded in construction standards at a National level. Additionally, amendments will be required at the State Government to ensure alignment with the Policy, as previously noted in Point 3.

It is recommended that:

- The Policy clearly delineates where the Building Code of Australia, and other standards and legislation, will be updated to implement the desired Policy outcomes.

5. Policy Timeframes and Responsibilities

The actions within the Policy need to clearly specify who has the role and responsibility in addressing the action, and be supported by timeframes for implementation. This is to ensure accountability and tracking of progress of the Policy, and clarity on the responsibilities of each level of government.

It is recommended that:

- The Policy clearly specifies timeframes and responsibilities of all actions, to ensure there is accountability and tracking of progress for the Policy.

6. Pandemic preparedness

Australia has recently emerged from the COVID-19 pandemic. There is the possibility that another pandemic situation may occur in the future, which would again have an impact of the urban environment and population. The Policy document does not present a policy position for an anthropogenic pandemic preparedness. This matter should be considered under the goal of Resilient.

Additionally, “Objective 3: Our urban areas are safe” should consider this matter, by recognising anthropogenic disaster preparedness, e.g. pandemics, in addition to natural disaster preparedness.

It is recommended that:

- The Policy is amended to include anthropogenic disaster preparedness, e.g. pandemics, as part of Objective 3: Our urban areas are safe.