



## SSROC Advocacy Paper

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Southern Sydney Regional Organisation of Councils

Ashfield Bankstown Botany Bay Burwood Canada Bay Canterbury  
City of Sydney Hurstville Kogarah Leichhardt Marrickville Randwick  
Rockdale Sutherland Shire Waverley Woollahra

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## Foreword and Introduction

Southern Sydney Regional Organisation of Councils (SSROC) is an association of sixteen Councils formed for mutual benefit through collaboration and cooperation. Collectively, the group extends across an area covering more than 600 square kilometres, with a population in excess of 1.6 million people. Our region comprises approximately one quarter of the population of greater metropolitan Sydney and is highly developed, with a complex and relatively dense mix of industrial, commercial and residential land usage.

Member Councils deliver and maintain in excess of \$20 billion of local infrastructure and other assets. Key state and national infrastructure is located within our geographical area, including the City of Sydney, Sydney Airport, Port Botany, the M4 and M5 as well as major health (Prince of Wales, RPA, St George, Sutherland hospitals) and education centres (University of NSW, Sydney University and UTS). The SSROC region is critical to the economy of the State and the nation.

SSROC is of the view that local government in both NSW and Australia requires rejuvenation. Despite various government initiatives, in particular those of successive NSW governments, the necessary reform that would enable a framework from which local government can satisfy community aspirations not been forthcoming. State and Territory governments need clear direction from the Australian Government on many issues. The purpose of this paper is to highlight many of these issues and identify where the Australian Government can actively provide or directly influence outcomes, and to seek responses as to your political perspectives on these issues.

Thank you for considering this submission, and I look forward to your response.

John Faker

President

Southern Sydney Regional Organisation of Councils

# 1 The role of local government

## 1.1 Constitutional recognition

### Background

In 2008 delegates to the Local Government Constitutional Summit resolved that:

“to ensure the quality of planning and delivery of services and infrastructure provided to all Australians, and the ongoing sustainability of local government, any constitutional amendment put to the people in a referendum by the Australian Parliament (which could include the insertion of a preamble, an amendment to the current provisions or the insertion of a new Chapter) should reflect the following principles:

- The Australian people should be represented in the community by democratically elected and accountable local government representatives;
- The power of the Commonwealth to provide direct funding to local government should be explicitly recognised; and
- If a new preamble is proposed, it should ensure that local government is recognised as one of the components making up the modern Australian Federation.”

### Key Issues

There has been a proliferation of information and reports submitted by various local government associations and Councils supporting the proposal for constitutional recognition of local government since the above resolution was determined. It is not necessary to list them here but rather to simply state that recognition in the Constitution is necessary as local government is a key democratic institution that plays a vital role in the engagement of communities across Australia and provides of a range of community services.

### Policies and Priorities

SSROC supports the formal recognition of local government in the Australian Constitution and acknowledges the community consultation process that has occurred. The issue has been discussed for decades and it is simply time for action. The referendum needs the support of all political parties.

## 1.2 Infrastructure - Increasing Financial Sustainability of Councils

### Background

A 2006 Price Waterhouse Coopers report commissioned by the Australian Local Government Association (ALGA) found that between 10% and 30% of Councils would face financial sustainability problems without significant reform to their revenue or expenditure.

**Strong Foundations for Sustainable Local Infrastructure**, by Ernst and Young, commissioned by the Australian Government and handed down in June 2012, focused solely on financial sustainability of local government in Australia.

## Key Issues

The Price Waterhouse Coopers study highlighted that Councils in all jurisdictions are faced with long-term financial sustainability issues. There is a tendency across Australian local government to scale back renewals expenditure to upgrade existing infrastructure. The backlog occurred irrespective of the States' type of rate-setting regime. The report stated that local government is a key sphere of government in its own right, and it has management structures to competently deliver on its core accountabilities.

The report saw significant merit in reforms to intergovernmental transfers, particularly targeting the types of Councils with financial sustainability issues. The suggested reforms to intergovernmental transfers were:

- i. Establish a new Local Community Infrastructure Renewals Fund which would support Councils in the more timely funding of renewals work across a range of community infrastructure assets including community centres, aged care facilities, libraries, health clinics, sport and recreation facilities (recently adopted by the Government.);
- ii. Revise the escalation methodology for Financial Assistance Grants from a mix of population growth and CPI, to a new escalation formula tailored more to local government cost movements;
- iii. Make Roads to Recovery a permanent program;
- iv. State governments to provide funding support to encourage Council efficiency and asset management reforms.

The Ernst and Young report considered what the Australian Government should do to assist local government create a future of sustainable local infrastructure. The recommendations in relation to the Australian Government's role included:

- Need to work with the states and territories to investigate the legislative changes to enable Councils to introduce Tax Increment Financing;
- Should work with the states to investigate the feasibility of establishing a national financing authority to deliver innovative financing solutions;
- Should work with the states and territories to establish a national body to provide skills and oversight of local government infrastructure including capability-building and the development of policy, guidelines and other assistance;
- Need to identify an opportunity for a suitable local or regional infrastructure project whereby a market can be "created", and establish a collaborative group of stakeholders to take the project forward;
- Work with the states and territories to develop incentives that can be given to Councils to create formal regional structures with responsibility for delivering and financing infrastructure investments relating to specific asset classes, with a particular emphasis on local roads.

Other recommendations included:

- All tiers of government should work together to rationalise and align the regional structures that currently exist.
- Asset and financial management reform initiatives should be supplemented by periodic independent review.

The report conclusions and recommendations clearly indicate that many of the local financial and infrastructure issues need the Australian Government's involvement. They are issues that neither local government nor the states can resolve in isolation.

### Policies and Priorities

Clearly there is a fundamental need to improve the revenue-raising arrangements of local government. There is no simple quick fix as all levels of government revenue are constrained.

There is an obvious need for a new approach. Some of the recommended areas of review include:

- the Grants Commission's 2001 recommendations should be refined further<sup>1</sup>:
  - Split the general purpose FAG allocation between a Per Capita pool and a Relative Needs pool on a 50/50 basis rather than the present Minimum Grant National Principle that no council shall get less than 30% of the state's per-capita entitlement;
  - Apply the Per Capita Pool to councils in developed areas (namely metropolitan, urban fringe and large to very large regional cities under the Australian Classification of Local Government<sup>2</sup>); and
  - Apply the Relative Needs Pool to local councils in underdeveloped areas of Australia (namely rural areas, plus small to medium regional urban centres as categorised by the ACLG).
- Such a change to FAG allocations could be phased in over five years to allow all councils to adjust to their new entitlements.
- As recommended by Price Waterhouse Coopers create a local community infrastructure renewal fund to support Councils in the timelier funding of a range of community infrastructure assets on a similar basis to the Roads to Recovery Program.
- A program of review of local government borrowings, as all analysis suggests that generally speaking, Councils' level of debt could increase significantly.

To assist Councils to overcome the impact of cost shifting from Australian and state governments, both levels should agree to providing detailed cost/benefit analyses of new initiatives that would impact on local government.

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<sup>1</sup> More details of the background to this policy can be found in the submission to the Commonwealth Grants Commission 2013 Local Government Inquiry by the Alliance of Sydney Metropolitan Councils, dated 27/2/13, available: [cgc.gov.au](http://cgc.gov.au)

<sup>2</sup> See DRALGA&S, 2002-2003 Report on the Operation of the Local Government, (Financial Assistance) Act 1995, Appendix F, for a detailed explanation of the Australian Classification of Local Governments (ACLG).

## 2 Planning

The recent NSW Department of Planning and Infrastructure White Paper *A New Planning System for NSW* has raised many concerns within southern Sydney, particularly in relation to community participation, the lack of commitment to Ecologically Sustainable Development (ESD), and the balance of powers between stakeholders.

### 2.1 Community Participation

#### Background

The southern Sydney area includes some of the City's most densely populated areas, as well as some areas of outstanding natural beauty such as the Royal National Park.

Developments are very varied, and can have a huge impact on the people who live, work and visit our region. The recent White Paper outlines a system for development that fails to deliver on its promise of putting people at the heart of the planning system.

#### Key Issues

The proposed system puts the Minister at the heart of the system, giving him or her absolute power, shifts the balance of power towards developers and severely curtails the influence of the community and their elected representatives in Councils. As currently drafted, there is greater potential for abuse than in the existing system.

Community engagement in the proposed planning system would be limited to the early, strategic stages of planning. This is welcome, and largely already addressed through Councils' Community Strategic Planning processes. But it is also essential for the community, Councils and residents to have the opportunity to comment on all development, and to be able to raise objections in relation to specific development projects: this would generally be denied if the new system goes ahead as specified in the Bill.

#### Policies and Priorities

Ministerial decisions should be subject to appeal and scrutiny by the Courts. The proposal is in conflict with the constitutional right to challenge an executive decision. It is also in conflict with the National Urban Policy which SSROC supports.

The proposed corruption prevention safeguards of the Independent Commission Against Corruption (ICAC)<sup>3</sup> should all be incorporated into any new system of planning.

The community should have equitable appeal, review and civil enforcement rights.

SSROC believes that the proposed system would leave the community and individual residents disempowered. Community members have the right to participate in planning processes, including both strategic planning and particular development assessments, as signalled by the intent of the White Paper, but not reflected in the proposed system.

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<sup>3</sup> Anti-corruption Safeguards and the NSW Planning System, ICAC Report, February 2012.

## 2.2 Departure from Ecologically Sustainable Development

### Background

The first object of the NSW Planning Bill 2013, “economic growth and environmental and social well-being through sustainable development” is excellent, but undermined by the remainder of the Bill and in outright conflict with other features of the new system.

### Key Issues

The White Paper places development in the context of sustainability, but does not follow through with implementation actions. It in fact renders the fundamental considerations of environmental, social and economic impacts secondary to the overriding imperative of financial viability for the developer. This is direct conflict with the commitment of all States to the National Strategy for Ecologically Sustainable Development.

### Policies and Priorities

The single and overriding objective of the new planning system and Act should be “economic growth and environmental and social well-being through sustainable development”.

Sustainable development should be defined in accordance with existing principles of Australian and NSW laws and policies, reflecting the National Strategy for Ecologically Sustainable Development and featuring:

- Equal consideration and weight for economic, social and environmental factors in all planning processes;
- The application of precautionary principle;
- Equity, including intergenerational equity;
- Conservation of biodiversity;
- Appropriate valuation of environmental and social assets, as well as of indirect economic impacts;
- Community participation in decision-making.

## 3 Transport and Infrastructure

### Background

The sixteen Councils of the southern Sydney region represent a quarter of the population of Greater Metropolitan Sydney. In addition to providing the vast majority of employment, recreation, health and educational opportunities in Sydney, our region accommodates infrastructure vital to the NSW and national economies, including Port Botany and Sydney Airport and the transport corridors that support them.

We are immensely proud of the diverse social, environmental and economic contributions of the SSROC region to our national interests. We are effectively the engine room of the Australian economy yet are still able to provide comparably high levels of amenity for our residents and visitors and support many fragile ecosystems. We are determined to maintain this balance alongside environmentally responsible, integrated and sustainable growth.

### Key Issues

While the Port and Airport provide employment to a high proportion of our regional population, at the local level we also carry the associated burdens of high traffic congestion, noise and vibration, pollution, accidents and road asset degradation.

The expansion of Port Botany is expected to yield great economic benefit to the NSW and Australian economies as a result of an exponential increase in trade over the next 15 years. It is expected that 800,000 TEU will be transported through the southern Sydney Region by 2030. More than 80% will be transported by road and 85% will be transported within just 45 kilometres of the Port.

SSROC is concerned that the high dependence on the road network to transport freight will bring such serious congestion as to bring the region to a standstill, resulting in significant negative economic and social impacts for both the NSW and Australian economies. Our region's road network has almost no capacity for sustainable and fiscally responsible expansion, so it is imperative that we develop a dedicated freight rail and intermodal network to support trade growth at Port Botany, reduce pressure on the road network by making it more suitable for active travel and mass transit options such as trams, and to develop a second Sydney airport to support air freight and air passenger growth.

### 3.1 Freight Rail

Despite ongoing attempts and for various reasons, successive NSW Governments have not been able to increase the freight rail modal share. The development of key track and intermodal infrastructure has been slow, haphazard and costly. There is clear reluctance to take the regulatory action required to uniformly move the freight and logistics industry to off-peak distribution and utilise the existing (albeit fragmented and inefficient) freight rail network. Until there is an effective, efficient alternative to the road network and the regulatory incentives required to prompt change, we are concerned that the freight rail network will never develop the capacity necessary to relieve road freight dependence, with implications for both the NSW and Australian economies.

### 3.2 Second Sydney Airport

SSROC also considers that the Sydney Airport Corporation and successive NSW Governments have actively played down concerns about the capacity of Sydney Kingsford Smith Airport to meet future growth in air freight and passenger demand. While SSROC supports the development of high-speed rail as a means by which to improve interstate passenger connections, we do not consider it will provide sufficient capacity to offset the need for a new Sydney airport.

### 3.3 Active Transport Infrastructure

SSROC supports the development of active transport pathways, including the completion of the Sydney Regional Bike Plan and Lane Cove to Cooks River GreenWay. Aside from being a means by which to reduce road traffic congestion, there are positive environmental, health and social outcomes that result from getting people reacquainted with their bicycles and walking short distances. Around the world, modern cities are characterised by their active travel opportunities and accessibility. Modernising Sydney in this respect will further enhance our attractiveness as a travel destination.

SSROC supports the NSW Government's target of 16% of short trips by bicycle by 2020. However, this requires the installation of appropriate infrastructure to support the shared use of roads and pavements. SSROC member Councils have been seeking funding support for the development of shared zones and pavement treatments from both the NSW Government and, in the case of the Inner Sydney Bike Network, Infrastructure Australia.

#### Policies and Priorities

SSROC seeks Australian Government support in the development of an integrated strategic focus on the distribution of freight from Port Botany. This will require collaboration between all levels of Government and industry stakeholders to ensure the development of a dedicated, well-integrated freight rail and intermodal infrastructure network, as well as address the inherent cost and time inefficiencies that discourage operators from using freight rail. Such collaboration needs to ensure that local amenity and safety impacts are addressed and mitigated to the best of our joint abilities.

SSROC also seeks Australian Government support in expediting the required airport capacity increases identified by the Joint Study on Aviation Capacity in March 2012 whether by the determination of location and development of a second Sydney airport and/or the expansion of smaller existing regional airports or the adaptation of RAAF bases for civilian air travel, which may provide interim support while a second Sydney airport is being commissioned.

Finally, SSROC seeks assistance from the Australian Government in providing funding for improved active travel networks across Sydney. This includes the completion of the GreenWay and also funding for the completion of the Inner Sydney Bike Network, the expansion of the existing Regional Bike Plan across the inner-west and eastern suburbs, and the implementation of that plan.

## 4 Housing Affordability

### Background

Access to housing is a basic physiological human need. In social terms, a secure home provides a strong basis for resilient, diverse communities and individual health and wellbeing.

After Vancouver and Hong Kong, Sydney is the third most expensive housing market in the world<sup>4</sup> with values driven by aesthetic qualities, amenity, accessibility and social and recreational opportunities. The southern Sydney region alone has some of the highest property values and demand for rental and privately owned housing not only in Sydney but across the whole of Australia.

Affordable housing is not necessarily social housing. It can be below-market cost housing that is privately owned or rented and priced to ensure that people on low to moderate incomes are able to meet other essential living costs. As a general rule, housing is considered to become unaffordable when housing costs exceed one-third of gross income. 2011 census figures indicate that over half the families in the southern Sydney region have essentially unaffordable housing. The NSW Centre for Housing Affordability acknowledges that every Council area in the SSROC region has either high or moderately high demand for lower-cost housing.<sup>5</sup>

### Key Issues

High levels of demand for housing results in further upward pressure on prices and tends to drive people on moderate to low incomes out of local property markets. Many such people are in essential services employment such as childcare workers, nurses, retail and hospitality workers, cleaners, teachers, tradespeople and workers in specific industries based in the region, such as at the Airport and Port Botany.

These workers are increasingly driven into part-time and casual employment and therefore have even less capacity to earn the incomes required for both living and working in the region. This creates significant social displacement and becomes problematic socially, economically and environmentally. Some of these impacts include:

- Forced housing migration resulting in the fragmentation and depletion of critical social and family support networks,
- Businesses forced to hire labour from outside the region,
- Traffic displacement and congestion impacts,
- Additional commuter costs to workers,
- Pressure on older people living long-term in rental accommodation to keep pace with rental increases as they move on to fixed incomes and pensions,
- A city divided by social and economic marginalisation resulting in a downward spiral of enclaves of disadvantage on the fringes of the region.

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<sup>4</sup> 9<sup>th</sup> Demographia Housing Affordability Study, 2013

<sup>5</sup> High need areas: Bankstown, Canterbury, Marrickville, Randwick, Rockdale, Sutherland, Sydney, Waverley; Moderate-High need areas: Ashfield, Botany Bay, Burwood, Hurstville, Canada Bay, Kogarah, Leichhardt, Woollahra.

On the other hand, ensuring the region has an adequate supply of housing affordability can enable:

- Essential workers to access secure housing, ensuring a diverse local labour supply across a range of industries,
- Young professionals can gain a foothold in the property market sooner, reducing demand on rental markets,
- The rapidly expanding proportion of older people who rent can be assured of long term housing in the communities they have grown up in, maintaining critical family and community connections and reducing demand on the not-for-profit community services sector,
- Diverse and sustainable housing models translate to diversity in local economies as residents drive demand-responsive retail and service provision,
- An upward spiral of change and opportunity for the wider community

### Policies and Priorities

While the complex policy levers that influence housing cost are controlled mostly at Australian and state government levels, the economic, social and environmental impacts of poor housing affordability are felt at the local level. While this is of great concern to local government, Councils do not have the means to significantly influence investment in housing affordability.

While the draft NSW Government Metropolitan Strategy/Regional Growth Plan for Sydney projects increasing residential densities in the SSROC region, current environmental planning instruments fail to deliver housing affordability. There is strong and proven potential for the planning regime to more effectively equip Councils to facilitate supply.

SSROC Councils seek assistance from the Australian Government in ensuring changes to national and state planning legislation to permit the incorporation of housing affordability provisions in Councils' planning strategies. The inclusion of provisions within the planning instruments for local government to capture value uplift that would facilitate the dedication of dwellings (or the monetary equivalent) for the purpose of generating affordable housing within new residential developments would provide important potential to help address the shortfall of affordable housing in Sydney and result in sustainable social and economic development outcomes for the wider community.

## 5 Environment

### Background

The SSROC geographical area covers highly developed suburbs including those recently identified as Sydney's most densely populated, such as Elizabeth Bay, Rushcutters Bay, Pyrmont, Ultimo and Darlinghurst. Residents, workers and visitors to these areas greatly value their green spaces and vegetation: perhaps more so because of the population density. But southern Sydney also contains large open spaces such as Royal National Park and the Georges River National Park.

Consumption of groundwater is likely to increase as climate change affects the availability of water, but the effects on the ground and water resources generally are not well understood, as evidenced by the establishment of the National Centre for Groundwater Research and Training.

The management of waste in the area is major issue. Councils are increasingly finding ways to reuse and recycle resources, and to reduce the amount of waste that is landfilled. Australian initiatives to move towards resource stewardship by developing of product stewardship schemes are beginning to be effective.

### Key Issues

Preservation of reserves, parks, trees and green corridors is essential for ecological balance and human well-being. It is increasingly difficult to do so in the face of growth and development.

Deriving the information necessary for more effective strategic water planning requires detailed mapping, monitoring and testing of water resources including groundwater, and continual updating. This level of data collection and analysis is beyond the resources and the capacity of most Councils, and so it is impossible for Councils to assess the impacts of increased consumption of groundwater. It is possible that issues may arise in the future in relation to groundwater, such as the slowing or failure of bores upstream of new bores or more frequent contamination incidents, which may require council involvement to resolve.

Waste management processes may become fragmented, and increasingly difficult for communities to engage with. Product stewardship schemes need to be integrated with Councils' waste management processes so that they are easy to use.

### Policies and Priorities

Funding is needed to enable better management and water quality improvement of the Georges River, Cooks River and Botany Bay: all are increasingly under pressure from urban development. Councils need funding to address climate change through, for example, the implementation of water sensitive urban design, construction of heat sinks and other measures to ameliorate the heat island effects in the urban built environment.

Australian funding is needed for catchment action plans for the protection/ restoration of urban riparian zones as well as for urban green spaces, for endangered ecologies (e.g. Eastern suburbs banksia scrub) and habitats necessary for biodiversity, and to help protect biodiversity from the threats presented by urban development.

## 6 The region's economy

### Background

1.6 million people live in the area of the southern Sydney region, which generates a gross regional product of \$194 billion. 802,000 people work in the area, and 65 per cent of them also reside here. Sydney Airport and Port Botany are major employers in the area, which generally has a good employment base. Key industries are finance and services, education, retail, tourism, hospitality, logistics and transport, manufacturing, creative arts, property and services, professional services and information communication and technology. Our workforce is highly skilled and competitive, and renowned education and research precincts are located in Broadway/Ultimo, Darlinghurst and Kensington. The region is also a high profile, globally recognised tourist destination.

### Key Issues

The transport issues identified in this paper will negatively impact on our region's economic development if the efficiency of the Airport/Port precinct is undermined. Sydney's infrastructure is not adequate for Sydney to operate efficiently and competitively as an international gateway into the future. Importantly, development has to be balanced with the needs of the resident population.

Housing affordability, a major issue identified in this paper, is a threat to the region's economy, since it affects the workers who are key to any industry.

The escalating price of electricity is a significant cost for manufacturers and other high-volume energy consumers located in the area. This, together with a broader community interest in carbon emissions reduction, is driving a desire for the development of renewable and decentralised energy production systems.

### Policies and Priorities

The potential economic impacts of congestion are noted in the section on transport and infrastructure.

SSROC supports the Government's targets for carbon emissions reductions and the carbon market that it has initiated. However, Australian and state/territory governments are not progressing the development of a low-carbon economy fast enough to enable businesses and residents to move to renewable energy sources and reduce their costs as well as their dependence on fossil fuels.

The National Energy Market was designed to sell energy. Comprehensive reform is required to support energy efficiency and decentralised and renewable energy. Changes are also needed to regulations and other barriers that inhibit the development of decentralised energy generation are required. We urge the Australian Government to work with the states and territories to remove these barriers so that communities can improve the sustainability of their energy supplies, and establish a new industry sector.

## 7 Employment issues

### Background

SSROC is concerned about the lack of effective and integrated strategic planning for Sydney, particularly in relation to the delivery of employment opportunities to support the city's growing population.

When the NSW Government released the draft NSW Metropolitan Strategy in April 2013 it was complete with targets for population growth and employment that were delivered without consultation and to date have not been supported by any background technical data.

The draft Strategy, which is to become the Regional Growth Plan for Sydney, provides almost exclusively for infrastructure provision but lacks detail about the creation of jobs to support population growth. The NSW Government anticipates that the population of Sydney will increase by around 37% by 2036 to an estimated 6.3 million people<sup>6</sup>.

The southern Sydney region presently has about a quarter of the population of greater metropolitan Sydney and is expected to take a large proportion of new arrivals over the next 20 years, as people seek to live closer to employment and the social and recreational opportunities our region offers.

### Key Issues

It is socially, environmentally and economically critical that the vast majority of Sydney residents have access to reasonably local employment opportunities. The health and well-being effects on individuals that have to commute long distances to work each day are widely understood and translate to poor community health and other negative social outcomes. The impacts of traffic congestion and reduced productivity on our economic outlook are also well known. We are familiar with the environmental impacts of private vehicle dependency, exacerbated by the lack of investment in public transport and lack of access to integrated active travel pathways across Sydney.

The draft NSW Metropolitan Strategy/Regional Growth Plan for Sydney and draft NSW planning legislation identify the need for new jobs in regional centres to provide people with opportunities to live and work locally but only offer to provide, through the proposed planning system, the commercial spaces in which employment can be situated. There is nothing to entice businesses to establish themselves in these centres.

There is a significant risk that vacant commercial and industrial spaces will create ghost-towns of newly-infilled centres, that have highly dense populations but no local employment. This would further exacerbate the social, environmental and economic impacts described above.

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<sup>6</sup> NSW State & Regional Population Projections – 2010 interim release, available: <http://www.planning.nsw.gov.au/population-and-housing-projections>, accessed: 25/7/13.

## Policies and Priorities

SSROC suggests that the Australian Government intervene by working with the NSW Government to develop additional strategies for the creation of employment opportunities including adequate, reliable transportation and local affordable housing to attract key workers to new jobs, particularly where employment clusters of high-potential industries are formed.

High-potential industries include the development of the green economy. SSROC member Councils are working together to increase the shift to renewable energy by identifying regional opportunities for communities, businesses and the public sector to cause the change to happen.

The assistance of the Australian Government is required to, among other things, identify business models and financing opportunity options to attract green businesses to the SSROC region. In addition to providing employment opportunities to our growing population base, this would increase the pace of development of renewable energies for the wider community.