



Hon Tony Kelly MLC  
Minister for Planning  
Minister for Infrastructure  
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Deputy Leader of the Government in the Legislative Council  
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## MEDIA RELEASE

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### **More competition, lower prices**

The NSW Government today announce it would implement recommendations that would increase competition and lower prices to consumers across the state.

Minister for Planning, Tony Kelly said the NSW Government would implement the recommendations of a review that looked into promoting economic growth and commercial competition through the planning system.

The recommendations of the NSW review report include:

- A Competition State Environmental Planning Policy (SEPP) be developed to clarify that competition between individual businesses is not in itself a relevant planning consideration,
- Any restriction on the number of a particular type of retail store or any proximity restriction contained in a LEP or DCP is invalid.
- Considering ways to increase opportunities for competition by allowing more types of shops into centres that currently only permit 'neighbourhood shops'.
- Providing guidance on how to consider third party objections when assessing development proposals, including how to seek recourse for vexatious objections.
- The Minister issuing a direction to councils under section 117 of the *Environmental Protection & Assessment Act* to ensure that, unless it can be justified on sound planning grounds, planning policies and instruments cannot apply retrospectively.

"NSW is the first state to strip back planning requirements that lead to anti-competitive behaviour in the retail industry," Mr Kelly.

"We will be implementing these recommendations to increase competition in retail businesses.

"The planning system should not permit unnecessary or unjustifiable protections that impede competition and this report recommends measures to make this clear and enforceable.

"This will ensure NSW continues to encourage innovation in retailing as well as promote choice and lower prices for consumers in NSW.

Mr Kelly said work has begun on drafting the Competition SEPP and other recommended instruments.

"This review follows the Australian Competition and Consumer Commission (ACCC) and Productivity Commission reports on the effects of planning and zoning controls on the restriction of competition.

Mr Kelly said COAG also agreed to request the Productivity Commission to undertake a benchmarking report on state and territory planning systems. A number of Commonwealth initiatives have been implemented to increase retail competition, including agreements between large retailers and the ACCC that restrictive provisions in retail lease agreements be removed.

The review process included a number of targeted consultations with a range of stakeholders including retailers, developers, local councils and individuals, and the receipt of 44 written submissions.