



**Submission on the Greater Sydney Commission: *Towards
Our Greater Sydney 2056***

prepared by

**EDO NSW
31 March 2017**

About EDO NSW

EDO NSW is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 25 years' experience in environmental law, EDO NSW has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO NSW is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

EDO NSW is part of a national network of centres that help to protect the environment through law in their [states](#).

Submitted to:

engagement@gsc.nsw.gov.au

For further information on this submission, please contact:

Nari Sahukar, Senior Policy & Law Reform Solicitor, EDO NSW

T: 02 9262 6989

E: nari.sahukar[a]edonsw.org.au

EDO NSW

ABN 72 002 880 864

Level 5, 263 Clarence Street

Sydney NSW 2000 AUSTRALIA

E: edonsw@edonsw.org.au

W: www.edonsw.org.au

T: + 61 2 9262 6989

F: + 61 2 9264 2412

Introduction

Thank you for the opportunity to comment on *Towards our Greater Sydney 2056 (ToGS)*, the Greater Sydney Commission's (**Commission**) draft amendment to the regional plan for Greater Sydney - *A Plan for Growing Sydney* (2014). In addition to preparing six District Plans for Greater Sydney, we note a primary task of the Commission under the *Greater Sydney Commission Act 2015 (NSW) (GSC Act)* is to review and update the regional plan for Greater Sydney.¹

The regional plan for Greater Sydney - *A Plan for Growing Sydney* - is of increasing importance because, when planning authorities such as local councils make or amend Local Environmental Plans and other planning instruments, they are now required to give effect to higher-level plans like the regional and District Plans.²

As we understand it, the 16-page draft amendment to the 150-page *A Plan for Growing Sydney* is about re-orienting Sydney's planning around a 'three centres' approach – the Eastern City (current CBD), a Central City (with Parramatta as its hub), and a Western City (growing existing centres and the future Western Sydney Airport).

The Commission has made demonstrable first efforts to better integrate environmental and social considerations alongside economic considerations in District Plans. For example, we welcome the appointment of three Commissioners with a focus on economics, social equity and environmental protection respectively. We also welcome the Commission's expanded focus on social equity, diversity and inclusion; and investment in research to better understand the circumstances, challenges and priorities for improvement across the six Districts of Great Sydney.³

However, the Commission's task (and that of other planners) remains hampered by:

- the risk that specific economic aims will eclipse generic environmental aims;
- a lack of State environmental goals, targets or data to assist decision-making;
- limited community awareness, engagement, or clarity on the Commission's role and influence;
- limited coordination within and between governments on environmental goals and policies to achieve ecologically sustainable development; and
- a lack of institutional resources focused on the genuine integration of environmental assets and cumulative impacts in strategic planning.

Our comments in this submission are divided into four parts:

- **Part A: The reform context – principles, goals and recent reforms**
- **Part B: *Towards our Greater Sydney 2056* – a revised framework**
- **Part C: The ToGS vision - Productive, Liveable and Sustainable Sydney**
- **Attachments**

¹ Also previously known as the Metro Strategy.

² This is a result of Part 3B of the *Environmental Planning and Assessment Act 1979 (NSW) (Planning Act)*, inserted by the GSC Act in 2015.

³ <http://www.planning.nsw.gov.au/Plans-for-your-area/Sydney/A-Plan-for-Growing-Sydney/Resources>.

Part A: The reform context – principles, goals and recent reforms

Metro Strategy principles

In 2013, EDO NSW made a submission on the draft Sydney Metro Strategy. Our 2013 submission set out some principles to inform the Metro Strategy and the Government's Planning Bill that was exhibited at the same time. While some of these linked to the 2013 legislative reforms (which did not pass), the principles remain relevant in 2017:

- 1. Implementing Ecologically Sustainable Development and its Principles**
- 2. Improving public engagement**
- 3. Clearer triple bottom line focus**
- 4. Clearer integration of environmental & natural resource management targets**
- 5. Clearer emphasis on climate change mitigation in addition to adaptation**
- 6. Update of urban sustainability and building efficiency requirements**

The detail of these principles is set out in **Attachment 1**. We **recommend** the Commission carefully considers these principles as they remain relevant to the current update process.

A Plan for Growing Sydney – goals

Following the Metro Strategy review, *A Plan for Growing Sydney*, was finalised in 2014. Legally, it is the initial Regional Plan for Sydney under Part 3B of the Planning Act. The 2014 Strategy adopted four high-level goals:

- 1. A competitive economy with world-class services and transport;*
- 2. A city of housing choice, with homes that meet our needs and lifestyles;*
- 3. A great place to live with communities that are strong, healthy and well connected;*
- 4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

As discussed below, the ToGS amendment simplifies these to a productive, liveable and sustainable Greater Sydney.

Recent reforms

Since the 2014 plan was finalised, there have been a number of law and policy updates relevant to environment and sustainability including:

- establishment of the Greater Sydney Commission and associated strategic planning amendments,
- release of the Commission's draft District Plans and ToGS amendments;
- passage of the *Biodiversity Conservation Act 2016*, which will include a new SEPP, regulation and Biodiversity Assessment Method and offsetting rules once it commences;
- the NSW Government's commitment to net-zero emissions by 2050 (November 2016);⁴
- Incremental planning law changes such as increased application of exempt and complying development; and
- release of the exposure draft Environmental Planning and Assessment (Amendment) Bill 2017 (**Planning Bill 2017**).

⁴ NSW Office of Environment and Heritage, *Factsheet: Achieving Net-Zero Emissions by 2050* (2016).

We **recommend** the Commission clarifies how the revised regional plan update fits in with these other laws and policies. For example, the net-zero emissions target is to be achieved within the ToGS timeframe.

Other planning instruments and legislation that could help or hinder the revision, and that may require amendment to harmonise the goals of ToGS, are set out in **Attachment 4**.

Part B: Towards our Greater Sydney 2056 – a revised Framework

We make four upfront comments on the approach of *Towards our Greater Sydney 2056*, in setting the framework for the revised regional plan and District Plans.

GSC frameworks and related policies must aim to achieve ESD

First, we **recommend** the revised regional plan for Greater Sydney must demonstrate how it substantively integrates environmental considerations into decision-making to achieve ecologically sustainable development (**ESD**). By definition, ESD principles are not just a consideration in developing and delivering environmental aims, but economic and social aims and functions also. This could be done through a Sustainability Framework equivalent to the Commission's Liveability Framework (see **Part C** below).

While we welcome the roles of social, economic and environmental Commissioners, it needs to be clear how these roles integrate. In particular, the Commission's decision-making framework should be underpinned by ESD principles. This is consistent with the objects of the Planning Act and the Commission's principal objectives.⁵ In brief, ESD principles include:

- the precautionary principle when dealing with serious but uncertain threats to health and the environment (such as extinction),
- biodiversity conservation as a fundamental consideration in decisions,
- equitable outcomes within and between generations, and
- full environmental costing (including the *polluter pays* principle).

An important test of a strategic plan is how risks are identified and clashes are resolved. A *Plan for Growing Sydney* and *Towards our Greater Sydney 2056* present multi-faceted aspirational goals for the city, but they do not necessarily engage with how difficult choices will be made between competing public interests. Nor do they provide a clear pathway for Sydneysiders to shape those challenging decisions at a local, regional or state level.

The Commission's positive proposal for a productive, liveable, sustainable Sydney needs to articulate what frameworks will be used when goals or interests clash; and how communities and decision-makers can collaborate to harmonise seemingly conflicting priorities. ESD principles should be one important reference point in those situations, including to find new ways to 'decouple' socio-economic development from environmental damage.⁶ We reiterate that ESD is not something to be 'balanced' with other factors. ESD *is* the balancing, integrating and planning for economic, social and environmental outcomes.⁷

⁵ GSC Act 2015, s. 9(b): 'to promote orderly development in the Greater Sydney Region, integrating social, economic and environmental considerations with regard to the principles of [ESD]...'

⁶ See for example EPA NSW, State of the Environment NSW 2015, 'Economics and the environment', at <http://www.epa.nsw.gov.au/soe/soe2015/02Economics.htm>; National Sustainability Commission, *Sustainable Australia Report 2013: Conversations with the future*, Australian Government (2013), at: <http://www.environment.gov.au/sustainability/publications/sustainable-australia-report-2013-conversations-future>, accessed March 2017.

⁷ See G. Bates, *Environmental Law in Australia* (2nd ed., 2002), LexisNexis, para 5.19-5.20.

The revised regional plan for Greater Sydney and District Plans must be informed by environmental goals

Second, the revised regional plan needs to be informed by environmental information and goals that are of equal influence as other policies identified in *ToGS*.

There is a vast amount of information in the policies that inform the regional and District Plans, but it is impossible for community members to be familiar with what they all say. This makes it difficult to understand the effect of these policies in informing strategic plans. As very few of these policies are directed at environmental conservation, and other priorities are likely to take precedence.

For example, the *ToGS* update notes that District Plans must refer to various policies including *A Plan for Growing Sydney*, State Infrastructure Plans and the Premier's Priorities and State Priorities (2015). While several State and Premier's Priorities are relevant to the planning system (infrastructure, jobs and housing approvals),⁸ almost none of them are relevant to environmental outcomes. The single exception is a 40% litter reduction target by 2020, which in turn, has little to do with strategic planning.

As we noted in our recent submission on the 2017 Planning Bill:⁹

It is impossible to integrate environmental factors in NSW decision-making [as ESD requires] without clear environmental goals, targets, and good data to guide natural resource management (including environmental accounts). The Bill misses an opportunity to address these three gaps.

We recommend the planning system require decision-makers to refer to environmental goals, targets and trends when they make strategic planning and development decisions.

The Planning Act requires the regional and district plans to identify 'the basis for strategic planning in the [region/district], having regard to economic, social and environmental matters.'¹⁰ They must also consider SEPPs and other government policies in force. But this does not sufficiently capture important state, regional or district environmental outcomes in strategic planning. Further, in the absence of state and regional aims and targets, it is not clear where those outcomes are to come from.

Nevertheless, the Commission may consider 'any other matters' it 'considers relevant', and this should include current environmental baselines and future environmental goals.

A key recommendation of the Government's Biodiversity Review Panel was to rectify the disconnect between planning considerations and environmental outcomes in other policies. The Panel recommended the Government ensure that biodiversity objectives and priorities are reflected in SEPPs and regional plans.¹¹ The Government explicitly accepted all of the

⁸ For example, 90% of housing (single dwelling) applications to be determined within 40 days. See NSW Government, <https://www.nsw.gov.au/improving-nsw/premiers-priorities/>, accessed March 2017.

⁹ EDO NSW, *Submission on the Environmental Planning and Assessment Amendment Bill 2017* (Feb. 2017), pp 6-8, available at:

¹⁰ *Environmental Planning and Assessment Act 1979* (Planning Act), Part 3B, ss 75AC and 75AD.

¹¹ See recommendation 15 of the Independent Biodiversity Review Panel report (Dec. 2014):

15. Ensure that biodiversity objectives and priorities, including priorities identified in a state-wide framework or strategy for conservation or in plans prepared by Local Land Services — are:

(a) reflected in any new state planning policies prepared under the Environmental Planning and Assessment Act 1979

(b) incorporated in Regional Growth and Infrastructure Plans and Subregional Delivery Plans, instead of in separate Regional Conservation Plans.

Panel's recommendations, but neither the *Biodiversity Conservation Act 2016* nor the Planning Bill 2017 implements that recommendation.

Consistent with this, and to reiterate our position quoted above, we **recommend** the Commission establish baselines and better integrate environmental goals in the regional and District Plans. For example, the regional plan for Greater Sydney should respond to key drivers and indicators in the EPA's *State of the Environment NSW Report (2015)*;¹² as well as indicators and goals for liveability and ecological health in the former Hawkesbury-Nepean Catchment Action Plan.

The regional plan and District Plans must map the way to 'zero-emissions Sydney'

Third, the regional plan for Greater Sydney needs to facilitate the achievement of the Government's net-zero emissions target. Emissions reduction goals should also be added to the State Priorities and Premier's Priorities in 2017 (along with other environmental priorities and targets).

The draft ToGS amendment and District Plans were released in the same month as the NSW Government announced its greenhouse emissions reduction target of 'net zero emissions by 2050'. This is a very significant development, as future emissions are intimately related to planning, long-term infrastructure and development approvals.¹³

As a result, we consider that one of the Commission's major pieces of work – in finalising both the revised regional plan for Greater Sydney and District Plans – is to integrate a net-zero Sydney into the strategic planning system. This is a challenge and opportunity given growth projections, targets and the future Western Sydney Airport. On the other hand, if the key strategic plan for greater Sydney does not support and facilitate achieving net-zero emissions along with air quality goals under the Western Sydney City Deal (ToGS p 4), it is difficult to see how the target can be met in the next 33 years; and the task will be all the harder. Reducing emissions is discussed further in **Part C**, 'Sustainable Sydney'.

Requirements to implement the regional plan for Greater Sydney and District Plans

Finally, it may be difficult for the community and experts alike to understand what policies, instruments, incentives or other requirements will be used to coordinate and achieve the vision of a productive, sustainable and liveable Sydney at various scales. This is likely to be an important consideration in people's willingness to engage.

We understand that Part 3B of the Planning Act and ministerial planning directions under s. 117 will have a significant influence in implementing regional and district plans at local levels.¹⁴ In particular, 2016 planning directions require local councils in Greater Sydney to ensure their planning proposals (e.g. LEP amendments) align with District Plans. However, this would not be self-evident to the public, who may be confused as to the role of the regional plan for Greater Sydney, District Plans and local instruments. This plan hierarchy emphasises the importance of embedding environmental targets and strategies at the Regional (Metro) and District Plan level. This will enable local actions and LEP provisions to carry environmental protections through to the local level.

¹² The EPA examines several drivers of environmental impacts such as population, economics and the environment, energy consumption, transport, greenhouse gases, urban water, waste and recycling. See <http://www.epa.nsw.gov.au/soe/20150817soe-2015.htm>, accessed March 2017.

¹³ See EDO NSW, *Planning for Climate Change: How the NSW planning system can better tackle greenhouse gas emissions* (July 2016), at: http://www.edonsw.org.au/planning_for_climate_change.

¹⁴ See for example, requirements of EP&A Act s. 75A1; and Planning Directions 5.1-5.10 (April 2016).

Part C: The ToGS Vision – A Productive, Liveable and Sustainable Sydney

The Commission sees the major shift in its ToGS amendment as being the ‘three centres’ model of an Eastern, Central and Western central business districts. The Commission has also proposed a 40-year vision of Greater Sydney in 2056 as a polycentric city that is productive, liveable and sustainable (Table 1). We comment on these three facets in turn.

Table 1: Summary of Towards a Greater Sydney vision 2056 (p6)

PRODUCTIVE	LIVEABLE	SUSTAINABLE
A growing city	Equitable, polycentric	A city in its landscape
Smart jobs	Housing choice and diversity	Efficient city
30-minute city	Collaborative city	Resilient city

A Productive Greater Sydney (ToGS, p 7)

The Commission proposes three economic priorities for Greater Sydney: a growing city, a city with smart jobs, and a 30-minute city.

We welcome the emphasis on making Sydney a ‘30-minute city’ by planning for more equitable distribution of jobs, housing, transport and social infrastructure. This includes prioritising areas of social disadvantage, including Aboriginal communities, and increasing the walkability of neighbourhoods to local services and amenities.

Concern that specific economic targets will eclipse generic environmental aims

The aims for a ‘Productive Sydney’ include specific numerical targets – for jobs to be generated, additional people accommodated, number of homes built and total economic activity. The ToGS update presents a stark difference between hard targets for economic aims and demographic outcomes, compared with soft, generic statements for environmental aims and outcomes. Unless this is addressed, the difference in emphasis will materially affect district and local-level decisions and directions under the Planning Act.¹⁵

Similarly, if a District Plan says an area needs to ‘deliver 20,000 new homes’ (specific) as well as ‘protect and enhance the environment’ (generic), this will effectively direct decision-makers to aim for the specific housing target and justify how the vague environmental target is still being met (even if the 20,000 homes were built on critically-endangered Cumberland Plain Woodland).

We **recommend** the Commission sharpen the environmental aims in ToGS to ensure that the revised regional plan for Greater Sydney does not simply allow other aims to take precedence because they are more specific. That should include ensuring ‘the conservation of biodiversity and ecological integrity is a fundamental consideration’¹⁶ in decision-making about land development – consistent with ESD principles.

Combining meaningful targets, actions and measurement for environmental outcomes that reflect ‘the city we want’ will foster innovative solutions, frank discussion about competing choices, and a genuine commitment to ESD rather than ‘business as usual’.

¹⁵ See for example, requirements of EP&A Act s. 75A1; and Planning Direction 5.10 on regional plans.

¹⁶ EP&A Act 1979, s. 5 and *Protection of the Environment Administration Act 1991* (NSW) s. 6(2)(c).

‘Accelerated housing’ needs more assurance of upfront social & green infrastructure

Housing and population projections have been revised upwards since *A Plan for Growing Sydney* was finalised in 2014. *Towards our Greater Sydney* notes that higher growth rates are ‘the new norm’ and that 725,000 new dwellings will be needed across Sydney in the 20 years to 2036. The Commission proposes a combination of urban renewal, medium-density in-fill and new land release areas to accelerate housing delivery. It also lists a number of criteria to deliver homes in the right places (ToGS p 8).

We **recommend** the Commission consider how to provide existing residents and future generations with greater assurance that social infrastructure will be considered upfront as communities continue to grow (including ‘green infrastructure’ such as open space, remnant bushland, urban forest, waterways and cycleways).

Maintaining and improving access to amenities is a reasonable expectation amidst the uncertainty of widespread change. Yet there is no particular NSW government policy, community charter or law that ensures this. Specific, accountable assurances that environmental, cultural and heritage values will be respected, conserved and enhanced through upfront planning can relieve community scepticism and an understandable fear of change. For example, this could include a Sustainability Framework or charter for decision-making (alongside the Liveability Framework).

Furthermore, while the Commission highlights the *Draft Medium Density Design Guide* in promoting good design outcomes (ToGS p 9), it is not clear whether this will have any legal status in future. We have expressed concern at the continuing expansion of complying development in advance of restoring community confidence in the private certification system.¹⁷ If the Medium Density Housing Code proceeds despite these concerns, we **recommend** that leading practice standards for design, construction, efficiency and sustainability should be mandatory; and local communities should have greater say in where and in what circumstances the Medium Density Housing Code applies.

A Liveable Greater Sydney (ToGS, p 10)

The Commission proposes three social priorities: an equitable, polycentric city; housing choice and diversity; and addressing challenges in a collaborative way.

We welcome the Commission’s expanded focus on social equity, diversity and inclusion throughout its consultation processes and the ToGS document. The Commission notes that liveability in the planning context is focused on people, their health, quality of life and overall community wellbeing. We also welcome linkages to the UN Sustainable Development Goals, which bring together development and environmental sustainability across 17 areas (such as health, livelihoods, gender, biodiversity, water, climate change and energy).

Liveability considerations frame the type of neighbourhoods, communities and economic development that Greater Sydneysiders want. In turn, liveability is important in interpreting other proposed aims, such as growing Sydney’s economy by 75% by 2036 (ToGS p 7). This aim could be achieved in a way that over-exploits natural resources and exacerbates inequality, for example, or it could be done with equity, inclusion and ecological sustainability top of mind.

¹⁷ EDO NSW submission, *Proposed Medium Density Housing Code – Statement of Intended Effect and Draft Medium Density Design Guide* (December 2016) - [Download PDF](#).

Two evident threats to Sydney's liveability right now are housing affordability and transport congestion. The challenge is to address such threats in sensitive ways that don't create or exacerbate other threats to liveability (for example, solutions that protect suburban tree canopies, access to open space, ensure good air quality standards are maintained, and reduce harmful emissions exposure).

Liveability Framework – a valuable aid to decision-making

The Commission has developed a Liveability Framework to 'integrate liveability considerations into every level of planning' (ToGS p 10). This Framework is an encouraging initiative because it integrates social needs (such as affordable housing) and community engagement considerations, both of which are important aspects of ESD. While this is our assessment based on the Liveability Framework's high-level principles, more information is needed on its operation.

In particular we note three of the nine Liveability Framework principles are strongly relevant to sustainability and environmental protection as well as liveability:¹⁸

- *'connected communities by supporting walking, cycling and public transport movement between destinations'*
- *'environmental quality by managing the quality of and access to the natural environment'*
- *'promoting community empowerment and ownership in shaping resilient cities'*.

We support these principles as they recognise the interdependence of social and environmental outcomes.

We **recommend** clarifying how the Liveability Framework will be embedded in strategic planning decisions, including other parts of the planning system such as SEPPs and LEPs.

We further **recommend** developing an equivalent or expanded set of principles to form a Liveability and Sustainability Framework to guide decision-making (these should explicitly recognise ESD as an objective, and incorporate ESD principles).

More explicit links between healthy well-planned environments and public health outcomes

While there is some reference to health facilities, we **recommend** this aim include more specific emphasis on how good planning for healthy neighbourhoods can help address public health risks like heart disease and obesity, or health issues associated with air quality. This could include, for example, collaborating with the Heart Foundation and local councils to develop targets, actions and measurement to track progress towards improvements.

This issue demonstrates the interdependence of economic, social and environmental factors, with walkable, environmentally-friendly communities leading to happier, healthier, more connected lifestyles, and in turn reducing the public health costs of morbidity and mortality.

¹⁸ See for example, <https://www.greater.sydney/digital-district-plan/834>, accessed March 2017.

A Sustainable Sydney (ToGS p 12)

The Commission proposes three environmental priorities for Greater Sydney: a city in its landscape; an efficient city; and a resilient city.

We welcome the Commission's recognition of the city's Aboriginal custodianship, as well as recognition of the city's natural assets as 'productive' areas in their own right, providing important ecosystem services (nature's benefits to humans) such as recreation, food, water quality, waste conversion and climate regulation.

We support the call for a 'longer-term planning approach for non-urban areas' of Sydney (ToGS p 12) – to manage its green infrastructure and urban streetscapes. The concept of 'green infrastructure' was entirely absent from the 2013 planning reforms, and its increasing prominence is an emerging example of ESD in practice. We also support the need for increased climate resilience, resource efficiency and environmental performance, alongside economic development and flourishing social relations (ToGS p 12). Yet none of this can materialise without SMARTER¹⁹ goals.

While we strongly support the intent of aims across the three environmental priorities – to improve the health of waterways, protect biodiversity, scenic and cultural heritage; improve access to open space, healthy lifestyles and local food; reduce carbon reliance and waste; develop renewable energy resources; and address hazard exposure – these need to be supported by clear baselines, measures and targets. Other important goals and targets are noted in the Attachments below.

As the crucial next step, we **recommend** committing to clear environmental goals and targets that will be reinforced and given effect in District Plans, LEPs and development decisions.

A range of resources are available to inform such goals including:

- The Commission's expert Environmental Advisory Panel report (December 2016) set out a range of environmental and sustainability metrics for Sydney;²⁰
- NSW *State of Environment Report 2015* sets out key drivers, environmental themes and indicators;
- EDONSW guidance and examples of environmental goals, targets and environmental accounts are provided at **Attachment 2**.
- A set of NSW Natural Resource Commission's state-wide targets for natural resource management (2007) are at **Attachment 3**.

Zero Emissions Sydney

The November 2016 commitment to net-zero greenhouse gas emissions by 2050 is one of the Government's first clear environmental goals beyond litter reduction. With an innovative economy of \$378bn to leverage, Sydney is the place to start. So what would a Zero Emissions Sydney look like, and how can we get there?

We **recommend** the Commission start this community discussion, and contribute to it by commissioning studies on a range of emissions scenarios, ranging from:

¹⁹ Specific, Measurable, Assignable (responsibility), Relevant, Time-based, Evaluated, Re-evaluated.

²⁰ Total Environment Centre et al., *Environment Advisory Panel Paper for the Greater Sydney Commission* (November 2016), available at:

http://www.tec.org.au/15_peak_professional_environment_and_academic_groups_release_environmental_vision_for_sydney, accessed March 2017.

- the base case (business as usual where the 2050 target is not considered);
- 'net'-zero by 2050 (which allows for as-yet uncertain levels of carbon offsets);
- zero-emissions Sydney, powered by renewables and electric vehicles; and
- accelerated scenarios that aim for zero emissions (and net-zero emissions at a minimum) earlier than 2050.

With regard to 'net'-zero emissions, we caution that undue reliance on 'offsetting' emissions to make up a shortfall, such as from 'land carbon', oversimplifies the equation. While many government and private sector emissions reduction policies do rely on offsets (including the airline industry²¹), Australian scientists warn that land carbon and atmospheric carbon cannot be treated interchangeably. As Professor Brendan Mackey notes: 'Land carbon mitigation activities do not offset fossil fuel emissions. Rather, they result in either avoided emissions or restoration of previously depleted stocks.'²²

Put simply, planting trees cannot 'offset' the continued increase of fossil fuel emissions from a growing global economy and population. There is no alternative to reducing actual emissions if the world is to have any chance of avoiding dangerous global warming of 2 degrees or more, and NSW has one of the highest greenhouse footprints in the world, at nearly 20 tons per person per year.²³

For the NSW planning system, this requires embedding emissions reduction considerations at every stage, from the objects of the act through to strategic planning, infrastructure planning, development assessment and post-approval monitoring and reporting. EDONSW has made 14 recommendations in its report, *Planning for Climate Change: How the NSW planning system can better tackle greenhouse gas emissions* (2016). We **recommend** the Commission consider how these recommendations – particularly on strategic planning – can inform the revised regional plan for Greater Sydney.

Access to open space and nature

The 'Public Open Space Audit' is welcome, although as a high-level summary it does not highlight critical issues of equity of access to open space, or relative rates of recent loss of bushland or public open space. For example, Chester Hill and Lakemba are in the same District as Royal National Park (with '42%' open space), but it would take Chester Hill residents 45 minutes to get there. Residents of Sutherland, in the same district, are moments from the National Park and beaches.

In addition, the Public Open Space Audit figures do not account for future population projections. Suburbs like Lakemba are slated for major upzoning in the next few years as part of the Sydenham to Bankstown Metro line transport upgrade, which will transform single dwelling suburbs into apartment-style hubs, increase pressure on existing 'green infrastructure' and substantially reduce 'open space per 1000 people'. While the need to plan for more green space is acknowledged in such strategies, the details, commitments and responsibilities are vague. In contrast, there is far more detailed information on projected dwelling numbers, population growth and capacity for jobs. This may exacerbate a 'trust deficit' with local communities who are concerned about the uncertainty of change, and how it may impact their lifestyles and neighbourhoods.

²¹ See <http://www.iata.org/policy/environment/Pages/climate-change.aspx>, accessed March 2017.

²² B. Mackey, Pathways to a Sustainable Economy conference, Griffith University, 28 November 2016. See further Mackey B., Prentice I.C., Steffen W., House J.I., Lindenmayer D., Keith H. and Berry, S. (2013) 'Untangling the confusion around land carbon science and climate change mitigation policy', *Nature Climate Change* 3, 552–557; doi:10.1038/nclimate1804. See also The Climate Council, *Land Carbon: No substitute for action on fossil fuels* (2016), Australia.

²³ <http://www.epa.nsw.gov.au/soe/soe2015/05Greenhouse-Gas.htm>, accessed March 2017.

More equitable measures would compare access to open space for major residential suburbs (existing and forecast), using a radius of distance or time. Access to smaller, local reserves, parks, cycleways and other facilities allow people to enjoy active lifestyles as a regular routine, rather than an annual daytrip. This has flow-on effects for health, wellbeing, inter-connectedness and stewardship of the environment. This is particularly important for children.

An innovative example of encouraging collaborative, healthy environmental experiences and long-term stewardship is the Ontario Kids' Outdoors Charter, which encourages children to 'follow a trail', 'harvest something to eat', and 'swim in a lake' and so on.²⁴ We **recommend** the Commission sponsor similar innovative programs for Sydney.

Greater Sydney Dashboard – a starting point for data and performance monitoring

We welcome the initial steps to develop a Dashboard of accessible vital statistics on Greater Sydney. However it is important that investment is made in new data, as well as aggregating existing data. A recurring theme of recent independent and expert reports is the lack of comprehensive, accurate and up-to-date environmental information in NSW. The State of the Environment (**SoE**) Report 2015 noted:

SoE 2012 (EPA 2012) noted the paucity of data available to monitor and evaluate biodiversity [not just threatened species]. ... and there is little new information to evaluate the status and trends of native fauna populations or species distributions generally.²⁵

While some Sydney councils have had more resources to invest in mapping their biodiversity and coastal environments than other parts of NSW, lack of data remains a serious problem when it comes to integrating environmental factors into planning decisions. This contrasts with the 'hard data' and significant Government resourcing directed to measuring statistics on capital investment value, population projections and housing starts. This is reflected in the aims and priorities of the ToGS Strategy.

²⁴ <http://www.childrensoutdoorcharter.ca/>, accessed March 2017.

²⁵ EPA NSW, *State of the Environment Report NSW 2015* (2016), 'Threatened Species', p 104. Other examples include the 2015 the Biodiversity Review Panel report (Byron et al, 2014); the Chief Scientist's Review of NSW Coal Seam Gas Regulation (O'Kane 2014); and the Chief Scientist's Report on Decline in Key Koala Populations in NSW (O'Kane 2016).

Attachment 1: Summary of 2013 EDO NSW Metro Strategy principles and recommendations

1. Implementing Ecologically Sustainable Development and its Principles

- A best practice planning system needs to prioritise and implement 'ecologically sustainable development' (ESD) and its principles.
- ESD and its principles must be given effect throughout the planning system, including in the development of the Sydney Metro Strategy and other strategic plans.
- The Strategy must adopt a more balanced, triple bottom line focus and targets (see below).

2. Improving public engagement in line with new laws and planning hierarchy

- Community engagement on the Draft Metro Strategy should be extended and expanded.
- Minimum exhibition for regional plans should be increased to 60 business days.

3. The Metro Strategy must adopt a clearer triple bottom line focus

- Regional plans should aim to promote healthy lifestyles, environmental protection and benefits, socially inclusive communities and economic development – supported by relevant triple bottom line indicators.

4. Clearer integration of environmental and natural resource and management targets

- Environmental targets in regional plans such as the Sydney Metro Strategy, should be directly linked to statutory environmental policies and reporting. For example, the Sydney Metro Strategy should integrate the 13 natural resource management (NRM) targets from the NSW Natural Resource Commission for biodiversity, water, land, community; and relevant targets from the Hawkesbury-Nepean Catchment Action Plan, 'A Plan for Sydney's Liveability'.
- Planning legislation should be amended to require that strategic plans including the Sydney Metro Strategy:
 - are based on best scientific information available (including baseline environmental studies, strategic environmental assessment, and environmental accounts);
 - identify and protect valuable and sensitive natural areas from development;
 - ensure cumulative impacts are properly assessed and considered;
 - integrate national, state and regional NRM targets, Catchment Action Plan targets and agency expertise;
 - use Strategic Environmental Assessment to complement, not replace, site-based assessment;
 - include a comprehensive range of environmental and sustainability performance indicators by which the new planning system will be assessed.

5. Clearer emphasis on climate change mitigation in addition to adaptation

- The Metro Strategy must reinstate and consult on meaningful targets to reduce greenhouse gas emissions produced by (and for) metropolitan Sydney. This should include the manufacturing, commercial, industrial, residential and transport sectors.
- Planning legislation should be amended to:

- make the direct and indirect impacts of climate change a mandatory consideration in strategic planning;
- establish an effective hierarchy of mitigation and adaptation responses in urban, rural and coastal areas;
- adopt a comprehensive assessment framework for the climate change implications of development, particularly major projects (mitigation *and* adaptation); and
- include Standard Instrument provisions for relevant local government areas that address buffer zones, restrictive zoning, setbacks and resilience measures.

6. Update of urban sustainability and building efficiency requirements

- Planning legislation and the Sydney Metro Strategy should adopt processes and standards that encourage and reward green innovation. This could include:
 - Simpler, cheaper or faster approval of projects that demonstrate leading practices including low-impact and sustainable design, climate change readiness, economic development, community engagement and social inclusion.
 - a strengthened and expanded BASIX sustainability tool for residential, commercial and industrial buildings (including for 'code assessable' development).

Attachment 2: Excerpt from EDO NSW, *Submission on the Environmental Planning and Assessment (Amendment) Bill 2017* (March 2017), pp 6-8 (footnotes omitted), Download PDF.

Integration in decision-making needs environmental goals, targets & accounts

Analysis & recommendations

It is impossible to integrate environmental factors in NSW decision-making without clear environmental goals, targets, and good data to guide natural resource management (including environmental accounts). The Bill misses an opportunity to address these three gaps. We recommend the planning system require decision-makers to refer to environmental goals, targets and trends when they make strategic planning and development decisions. This is consistent with planning law recommendations of the Biodiversity Review Panel, to ensure biodiversity objectives and priorities are reflected in SEPPs and regional plans.

Goals

The NSW Government needs to set clear long-term goals to protect the state environment. Without goals, it is harder for state, regional and local planning bodies to consider environmental and other impacts (as they are required to do under s. 79C of the Act); to establish and pursue complementary policies; or to know if planning laws and policies are working, and what needs to change.

NSW recently set a long-term goal to reduce greenhouse gas emissions to 'net-zero' by 2050. But unlike other states and nations – such as the UK, South Australia, ACT, Tasmania, and soon Victoria – it is not given effect in NSW law, and is described as 'aspirational' only.

An excellent example of clear environmental goals and accountability in law is the Environment (Wales) Act 2016. This wide-ranging act puts ESD at the heart of Welsh decision-making. It includes long-term goals on environmental protection and climate change. Instead of giving ministers wide discretion to apply the law, as happens in NSW, it requires Welsh Ministers to act in ways that achieve the law's aims. This includes duties to protect Welsh ecosystems from degradation, and to identify species and areas vital to Welsh people's lives and livelihoods. The Act is explicitly linked to laws on planning, wellbeing and intergenerational equity.

Targets

To make high-level goals work, they must be supported by specific shorter-term environmental targets. In 2007 the NSW Natural Resources Commission set clear and useful state-wide targets for 2010-2015. They aimed to improve native vegetation health, river and wetland health, biodiversity of fauna, soil health and more. After initial reporting in 2010, these targets have been quietly abandoned. It is unclear what, if anything, has been put in their place, or how the success of NSW environmental performance is measured.

Better data, and recognising 'ecosystem services'

Reliable data on environmental assets and their condition is a vital input to decisions on strategic land-use planning and development. This is because environmental impact assessments (EIA) and evaluation are key functions of the NSW planning system.

Numerous expert reviews highlight the under-investment in environmental data in NSW, and its lack of integration in planning frameworks. These include the NSW Biodiversity Review

Panel (2014), the Chief Scientist and Engineer's reviews of coal seam gas (2014) and koala population decline (2016) and successive state and federal State of the Environment reports. Most recently, the 2015 State of the Environment NSW report noted the 'paucity of data', and 'little new information' since 2009, 'to evaluate the status and trends of native fauna populations or species distributions generally'.

Work has started on more extensive environmental monitoring and reporting (such as the SEED Environmental Portal), but more systemic integration is needed in planning laws.

Across the world, governments and the private sector are also starting to recognise the importance of data on 'ecosystem services' – the benefits that nature provides to humans. These are often invisible in policy and decision-making. In the UK, US, Canada and elsewhere, agencies are integrating ecosystem services into strategic planning, assessment and land management.

We recommend the NSW Government invest in systems to identify and build-in legal recognition of ecosystem services, functions, values and trends. This could include funding a state-wide ecosystems assessment (as in the UK) and linking to 'environmental accounts'.

Environmental accounts

Finally, we strongly recommend the NSW Government establish a system of state and regional environmental accounts, to inform decision-makers and communities about long-term planning and cumulative impacts, and ensure decisions are based on robust evidence.

Environmental accounting does not mean simplifying everything to a simple dollar value. That is neither practical nor appropriate. Nevertheless, various expert reviews have recommended establishing a set of national environmental accounts (on a bioregional basis) that track the extent, quality and trend of natural resources such as native vegetation, water, soil and biodiversity. For example, the Wentworth Group's Accounting for Nature model uses a scoring system called 'Econds' to measure change in extent and condition of native vegetation, helping to track loss and gain at a regional landscape scale.

Benefits of regional environmental accounts in support of planning laws would include:

- equipping planning authorities, resource managers and local communities with the data they need to make responsible decisions;
- establishing trends about land uses, ecosystems and key regional threats;
- painting a comprehensive picture of landscapes and environmental assets;
- planning and prioritising areas for protection, development and specific land uses.

Attachment 3: Natural Resource Commission state-wide NRM targets (2010-15)²⁶

By 2015 there is an increase in native vegetation extent and an improvement in native vegetation condition.

By 2015 there is an increase in the number of sustainable populations of a range of native fauna species.

By 2015 there is an increase in the recovery of threatened species, populations and ecological communities.

By 2015 there is a reduction in the impact of invasive species.

By 2015 there is an improvement in the condition of riverine ecosystems.

By 2015 there is an improvement in the ability of groundwater systems to support groundwater dependent ecosystems and designated beneficial uses.

By 2015 there is no decline in the condition of marine waters and ecosystems.

By 2015 there is an improvement in the condition of important wetlands, and the extent of those wetlands is maintained.

By 2015 there is an improvement in the condition of estuaries and coastal lake ecosystems.

By 2015 there is an improvement in soil condition.

By 2015 there is an increase in the area of land that is managed within its capability.

Natural resource decisions contribute to improving or maintaining economic sustainability and social wellbeing.

There is an increase in the capacity of natural resources managers to contribute to regionally relevant natural resource management.

²⁶ NSW Natural Resources Monitoring, Evaluation and Reporting Strategy 2010–2015, Appendix 1. Source: NSW Natural Resources Commission (2007), *State-wide Targets for Natural Resource Management Fact Sheet*, Sydney.

Attachment 4: Examples of planning instruments and laws relevant to achieving a sustainable Sydney

State legislation	State Environmental Planning Policies	Other State Policies	Lower plans and policies	National standards, policies and legislation
EP&A Act 1979, Planning Bill 2017	State Significant Precincts SEPP	Premier's Priorities	District Plans	NABERS
EP&A Regulation (review in 2017-18)	Exempt and Complying Codes SEPP 2008 (housing, industrial, rural, commercial)	State Priorities and future State Plans	Local Environmental Plans (LEPs)	<i>EPBC Act 1999</i> (matters of national environmental significance)
Biodiversity Conservation Act 2016, regulations (in development)	Urban/E-zone Tree SEPP (in development)	NSW Climate Change Fund	Development Control Plans (DCPs)	Carbon markets (e.g. National Carbon Offset Standard)
Crown Lands Management Act	Urban Bushland SEPP (under review)	Biodiversity Assessment Method (BAM)	Plans of Management	Building Code of Australia
Local Government Act 1993	Infrastructure SEPP (under review)	Biodiversity Investment Strategy	Local councils' Community Strategic Plans	Western Sydney City Deal
Coastal Management Act 2016	Coastal Management SEPP (in development)	Offset Trust Fund		
Planning Directions (s.117)	BASIX SEPP (water, energy etc)	State Infrastructure Plans		