A place for everyone – the future of Australia's cities

4 August 2017

EDOs of Australia (formerly ANEDO, the Australian Network of Environmental Defender's Offices) consists of eight independently constituted and managed community legal centres located across the States and Territories.

Each EDO is dedicated to protecting the environment in the public interest. EDOs:

- provide legal representation and advice,
- take an active role in environmental law reform and policy formulation, and
- offer a significant education program designed to facilitate public participation in environmental decision making.

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Submitted to: **Committee on Infrastructure, Transport and Cities**
House of Representatives – Australian Parliament

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Introduction

EDOs of Australia is a network of non-government community legal centres specialising in public interest environmental and planning law. We provide free legal advice, community outreach workshops and expert advice on environmental policy and law reform. Our resources assist community members and groups across Australia on environmental and planning law, including in urban, regional, rural and remote areas. Each EDO is a registered charity and tax-Deductible Gift Recipient. Our DGR status makes it possible to provide these public services.

We welcome the opportunity to contribute to this inquiry on the future of Australia's cities. As public interest lawyers, we support a renewed focus on sustainable settlements.

Part 1 of this submission refers to the Committee's first sub-inquiry on *Sustainability transitions in existing cities*. In particular we discuss:

    1.1 Reviewing evidence and recommendations from past inquiries
    1.2 Prioritising sustainable transport and infrastructure
    1.3 Global best practice green cities
    1.4 Strong leadership needs institutions, vision and harmonisation.

Among other things we recommend the Committee build on past parliamentary inquiries and Government reports, and evaluate progress on implementing expert advice to them.[1] Our policy and law reform submissions to many past inquiries and reports on urban sustainability are available at www.edo.org.au.

Part 2 of this submission refers to the Committee's second sub-inquiry, *Growing new and transitioning regional cities and towns.* Our focus here is to ensure sustainability underpins the legal and policy framework for regional planning, and to promote better community engagement.

In this part we briefly highlight five critical issues for planning in regional Australia:

    2.1 Ecologically sustainable development
    2.2 Good strategic planning
    2.3 Natural Resource Management goals, data, environmental accounts
    2.4 Climate change readiness
    2.5 Community engagement, including regional Aboriginal communities

Before we highlight each issue in turn, we make some brief observations on the role of the Commonwealth and national leadership in urban sustainability.

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[1] In particular: the 2005 Senate inquiry into *Sustainable Cities*; the 2009 Senate inquiry into the *Investment of Commonwealth and State funds in public passenger transport infrastructure and services*; the 2010 Government discussion paper, *Our Cities;* the 2013 expert advice on 'Sustainable cities' and draft Sustainability Indicators for Australia; the 2013 Productivity Commission inquiry on *Barriers to Climate Change Adaptation;* the 2016 Government *Smart Cities Plan;* the 2016 *State of the Environment Report* –'Built environment: 2011-16 in context'; and the 2017 Government proposals for *Reducing emissions from the transport sector*.

Summary of Recommendations

Part 1 – 'Sustainability transitions in existing cities'

Recommendation 1.1

The Committee build on past parliamentary and government inquiries on urban sustainability, and evaluate progress on the implementation of past expert recommendations to these inquiries.

Recommendation 1.2

*The Commonwealth's role in transport and infrastructure funding, law and policy must build-in ecologically sustainable development (**ESD**) considerations that integrate long-term environmental and sustainability factors in decision-making. In particular, drawing on our past recommendations, the Australian Government should:*

- *Adopt a whole-of-government infrastructure sustainability policy that prioritises public transport and low-emissions technology.*
- *Require that transport infrastructure planning and funding decisions (and related policy, plans and programs) must be strategically assessed upfront against sustainability criteria.*
- *Review and amend transport and infrastructure laws and policies to ensure investment is guided by sustainability criteria.*
- *Ensure that the communities affected by Commonwealth funding are adequately consulted, early and at all other stages.*
- *Adopt stringent vehicle emission standards (for fuel quality, noxious pollutants and greenhouse gas pollutants) and embed ongoing reviews for continuous improvement.*
- *Invest in incentives and policy frameworks to encourage electric vehicles, in partnership with other governments and sectors.*

Recommendation 1.3

Australia should commit to creating global best practice green cities, and develop an immediate and long-term framework to evaluate progress. This should include a consistent set of SMART indicators (Specific, Measurable, Attainable, Relevant, Timely) that make the environment more visible in decision-making, and aim to achieve ESD.

Recommendation 1.4

- *Re-invest in cross-jurisdictional institutions that focus on protecting the environment and efficient cities, public transport, buildings and resource use.*
- *Develop nationally-consistent environmental goals, standards, evaluation and reporting of environmental outcomes across major Australian cities.*
- *Create partnerships to implement urban-related Sustainable Development Goals.*

Part 2 – 'Growing new and transitioning regional cities and towns'

Recommendation 2.1:

The Committee should note the continued importance of ESD as an overarching guiding principle for regional development. In particular, to more clearly integrate (not just 'balance') environmental, social, economic and equitable considerations into planning and development decisions in regional areas, for the short- and long-term future.

Recommendation 2.2:

Strategic planning across the regions should:

- *be subject to clear, legislative criteria that integrates short- and long-term environmental, social, economic and equitable considerations (see recommendations 2.1 and 1.2);*
- *be coordinated and consistent across different agencies and types of plans;*
- *be evidence-based – considering past, present and future environmental conditions, cumulative impacts and the carrying capacity of the region; and*
- *aim to 'maintain or improve' specified environmental outcomes in the region, including for the benefit of communities and present and future generations.*

Recommendation 2.3:

To better integrate environmental factors into decision making at all levels, including regional planning, all governments should:

- *adopt a set of clear, ambitious environmental and natural resource management (**NRM**) goals and targets. These should be translated and given effect in regional plans, supported by NRM agencies;*
- *invest in a program to identify and gather data on 'ecosystem services' (benefits to humans provided by nature), report on and raise awareness of the importance of ecosystems and their services;*
- *establish national, state and regional 'environmental accounts' to assess progress against targets (based on nationally applicable criteria). These accounts should assess the extent, condition and trends in natural resources and environmental assets including biodiversity, native vegetation, carbon storage, soil and water quality.*

Recommendation 2.4:

The Commonwealth, State and Territories need whole-of-government greenhouse mitigation strategies and targets. These must link closely with strategic planning and development laws – at present they do not.

Any future regional planning framework must consider climate change risks and impacts (both mitigation and adaptation) and the need to transition to clean energy. This is consistent with domestic and international agreements.

In particular, regional planning processes should require (by law):

- *the incorporation of climate change considerations into all strategic planning;*
- *a comprehensive assessment of the climate change implications of all significant development, and the ability to refuse projects on climate grounds;*
- *best practice criteria or sectoral development standards (mitigation and adaption) that all development proposals must comply with in order to proceed.*

Recommendation 2.5:

Regional communities should be given engaging, innovative and earlier opportunities to influence the planning process for the future of their towns, cities and environments. This should harness new technology and go beyond orthodox approaches of 'consultation by written submission'. Specific groups, including Aboriginal people, should be asked about their preferred ways to engage and be able to have meaningful input in those ways. Accountability and review mechanisms should apply to regional planning processes.

Role of the Commonwealth in sustainable cities and urban planning

Our cities are shaped by complex interlocking systems of history, geography, ecology and heritage; law, governance, planning and regulation; infrastructure and transport; enterprise and innovation; social interaction and individual behaviour. As Australia (and the world) has become increasingly urbanised over the last 50 years, questions of sustainability and the impacts of population and economic growth have emerged.

What is sustainability?

According to the former National Sustainability Council (2013) the concept 'continues to evolve' – but in essence.[2]

- *Sustainability* 'is concerned with the future' and with maintaining 'certain values, assets or capabilities over the long term'.
- It involves decisions that address how environmental, social and economic domains interact.
- It 'requires choices considering equity within society and across generations.'
- It relates to 'the *wellbeing* of individuals, communities and society… as an appropriate objective of governments.'

For several decades, international agreements and domestic law and policy have encapsulated these elements in the term ***ecologically sustainable development* (ESD)** – meeting present needs without compromising future generations' needs.[3]

ESD is a bridge that interconnects environmental, social and economic realms in decision-making. It acknowledges these three realms are interdependent, asks decision makers to think long-term, and searches for win-win solutions to complex problems.

The important principles that underpin ESD are discussed further at section 2.1.

Roles and responsibilities

Australia's Constitution gives the States residual powers to make laws for urban planning, environmental protection and natural resource management (**NRM**). In practice, this means the majority of laws, government agencies and resources that affect city-planning and the built environment operate at the state level.

On the other hand, only the Commonwealth can provide national coordination. The Commonwealth has explicit powers to regulate corporations, taxation and

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[2] National Sustainability Council, *Sustainable Australia Report 2013*, Australian Government (2013).
[3] See for example *Our Common Future* (Brundtland Report), World Commission on Environment and Development (1987); Australia's *Intergovernmental Agreement on the Environment* (1992); and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth), ss 3-3A.

foreign affairs, among other things. These powers, and various intergovernmental agreements that affect the environment,[4] mean the Commonwealth can take an ongoing role in coordinating and facilitating long-term sustainable city planning. For example, by way of taxation and public infrastructure spending; and by implementing international declarations and treaties on the environment, biodiversity, climate change and the UN Sustainable Development Goals.

The result is that both federal-state cooperation and national leadership are essential to lasting, sustainable environmental outcomes for Australia's cities.

The Government's *Smart Cities Plan* (2016) identifies the need for 'evidence-based, coordinated and integrated policy.'[5] In our experience though, barriers to improved urban sustainability include:

- Lack of clear, consistent Commonwealth goals and resourcing over time.
- Limited institutional capacity and inter-governmental coordination on creating sustainable cities.
- Under-investment in environmental data and monitoring for long-term public benefit (despite investment in demographic and economic data).
- Lack of true integration of socio-economic, environmental and equitable factors in decision-making to achieve ESD.[6]

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[4] For example, the *Intergovernmental Agreement on the Environment* (1992). The IGAE does not focus on cities but aims to place ESD at the centre of all levels of government policy (s. 3; Sch. 2): http://www.environment.gov.au/about-us/esd/publications/intergovernmental-agreement

[5] Australian Government, *Smart Cities Plan – Submissions*, Department of the Prime Minister and Cabinet (2016).

[6] For further information on ecologically sustainable development see Part 2.1 of this submission.

Part 1 – 'Sustainability transitions in existing cities' (sub-inquiry 1)

Part 1 of this submission deals with transitioning existing cities to a more sustainable future as they grow and change. We discuss four issues in particular:

    1.1 Reviewing evidence and recommendations from past inquiries
    1.2 Prioritising sustainable transport and infrastructure
    1.3 Global best practice green cities
    1.4 Strong leadership needs institutions, vision and harmonisation.

1.1 Reviewing evidence and recommendations from past inquiries

The Committee's inquiry should be informed by previous evidence, effort and recommendations in the area of city planning over the past decade. In particular:

- the 2005 Senate inquiry into *Sustainable Cities;*
- the 2009 Senate inquiry into the *Investment of Commonwealth and State funds in public passenger transport infrastructure and services*; and
- the 2010 Australian Government discussion paper, *Our Cities – The challenge of change;*
- the 2013 National Sustainability Council's draft 'Sustainability Indicators for Australia' – relating to social, economic and natural capital;
- the 2013 Productivity Commission inquiry on *Barriers to Climate Change Adaptation;*
- the 2016 Australian Government *Smart Cities Plan;*
- the 2016 *State of the Environment Report –* 'Built environment: 2011-16 in context'; and
- the 2017 proposals for *Reducing emissions from the transport sector* (three proposals on fuel quality, noxious emissions and carbon emissions).

These sources are a wealth of knowledge, expertise, information and data on Australian cities and their complex systems. Yet without clear and sustained effort to set measurable goals, assign responsibilities and timeframes, evaluate and report on progress, there is a risk of reinventing the wheel every few years, and a risk of public disengagement from the process.

Our submissions to several of these inquiries and reports are available at www.edo.org.au. We reiterate some proposals from these submissions below.

Recommendation 1.1

The Committee build on past parliamentary and government inquiries on urban sustainability, and evaluate progress on the implementation of past expert recommendations to these inquiries.

1.2 Commonwealth's role in sustainable transport and infrastructure

In 2009 we provided in-depth analysis and recommendations on Commonwealth investment in public transport infrastructure.[7] That submission illustrated the need to ensure sustainability criteria and community participation are embedded at all levels and stages of decision-making (Commonwealth, state and local decisions). For example, Commonwealth funding decisions should integrate early and transparent environmental impact assessment – based on clear, long-term environmental goals, local needs and alternative options that aim to satisfy these.

The need to integrate ecological sustainability in infrastructure decisions has only become more urgent with the rapid, ongoing rise in greenhouse gas emissions from the transport sector – both as a proportion of Australia's carbon footprint (17% nationally, 19% in NSW) and in absolute emissions. Transport emissions have grown 52% since 1990 and the Government predicts growth will continue.[8]

As one of several necessary and overdue measures to curb emissions growth, we strongly support the adoption of more stringent vehicle emission standards and continuous improvement. At a minimum, we support the rapid uptake of three proposals exhibited in 2017 (fuel quality, noxious pollutants and greenhouse gas pollutants). The public benefits of such standards outweigh industry resistance.[9]

We are concerned that vehicle emissions improvements have already been delayed, despite previous departmental regulatory impact statement processes and expert reports. Meanwhile other jurisdictions including in Europe, the US and Asia have continued to improve emissions standards. Further delays or lengthy implementation periods would mean Australians continue to miss out on the private and public benefits of stringent standards, and will only increase the regulatory need, given the urgency of sound policy responses to climate change.

Finally, while Australia is one of the sunniest countries in the world, electric vehicles have very low penetration compared with Northern Europe, the UK and some parts of the United States. At a time when the UK Government is setting a date to phase-out polluting petrol and diesel vehicles, Australia should seize its strategic advantages to plan an electric, renewable-powered transport network.

> ### Recommendation 1.2
>
> *The Commonwealth's role in transport and infrastructure funding, law and policy must build-in ecologically sustainable development (**ESD**) considerations that integrate long-term environmental and sustainability factors in decision-making.*
>
> *In particular, drawing on our past recommendations, the Australian Government should:*

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7 ANEDO submission to the Senate *Inquiry into the Investment of Commonwealth and State funds in public passenger transport infrastructure and services*, 2009
8 Australian Government, *Australia's emissions projections 2016* (Dec. 2016), 'Transport', p 14.
9 EDOs of Australia submission on *Reducing emissions from the transport sector* (March 2017) [PDF 484 KB]. Available at http://www.edo.org.au/pollution1.

- *Adopt a whole-of-government infrastructure sustainability policy that prioritises public transport and low-emissions technology.*
- *Require that transport infrastructure planning and funding decisions (and related policy, plans and programs) must be strategically assessed upfront against sustainability criteria.*
- *Review and amend transport and infrastructure laws and policies to ensure investment is guided by sustainability criteria.*
- *Ensure that the communities affected by Commonwealth funding are adequately consulted, early and at all other stages.*
- *Adopt stringent vehicle emission standards (for fuel quality, noxious pollutants and greenhouse gas pollutants) and embed ongoing reviews for continuous improvement.*
- *Invest in incentives and policy frameworks to encourage electric vehicles, in partnership with other governments and sectors.*

1.3 Global best practice green cities

We have previously recommended Australia aim to create global best practice environmental cities. In 2011 we explored a number of strategies to improve urban sustainability and productivity, including:[10]

- Improving public transport (such as high-speed inter-city rail services and exploring other alternatives to air travel);
- Removing regulatory barriers to environmentally friendly buildings;
- Implementing strategies to reduce traffic congestion;
- 'Human capital' policies that increase productivity by improving public health (discouraging car use, encouraging bike-riding, encouraging healthy and sustainable food production and consumption).

The Government's *State of the Environment Report 2016* notes that several major cities have developed metropolitan strategies in recent years. We are most familiar with *A Plan for Growing Sydney* (now under review by the Greater Sydney Commission, established by NSW legislation in 2015). We have welcomed aspects of the Greater Sydney Commission model – in particular, having three Commissioners with a focus on economics, social equity and environmental protection respectively; and a more general focus on equitable access to services. Whether these three areas truly integrate remains to be seen.

We note that the Greater Sydney Commission's task (and that of other urban planners in NSW and across Australia) remains hampered by:

- a risk that *specific economic* aims will eclipse *generic environmental* aims;
- a lack of environmental goals, targets or data to assist decision-making;
- limited community engagement or clarity on the planning bodies' influence;

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[10] ANEDO submission to *Our Cities – building a productive, sustainable and liveable future, 2010 Discussion Paper* March 2011 [PDF 159 KB]. Available at http://www.edo.org.au/development1.

- limited coordination within and between governments on environmental goals and policies to achieve ESD; and
- a lack of institutional resources focused on the genuine integration of environmental assets and cumulative impacts in strategic planning.

Good strategic planning is further discussed under section 2.2 of this submission.

Recommendation 1.3

Australia should commit to creating global best practice green cities, and develop an immediate and long-term framework to evaluate progress. This should include a consistent set of SMART[11] indicators that make the environment more visible in decision-making, and aim to achieve ESD.

1.4 Strong leadership needs institutions, vision and harmonisation

Meaningful federal leadership to improve existing cities' sustainability requires strong and stable institutions with clear sustainability goals and vision. Despite the many reports noted above, consistency has been lacking.

Below we recommend three further ways to strengthen the Commonwealth's role in and support of urban policy.

First, reinvest in institutions that have the longevity to support sustainable cities. For example:

- re-establish a COAG ministerial council on the environment, and broaden its scope to provide input in decisions on related portfolios,
- establish a new National Environment and Sustainability Commission (with various statutory commissioner positions – these could include a commissioner for cities and urban sustainability);

Second, develop a nationally-agreed vision for environmental outcomes in cities, supported by goals, standards, evaluation and reporting. For example:

- continuously improving mandatory building sustainability standards,
- carbon footprint measurement and goals leading towards neutrality,
- 'green infrastructure' planning and funding (e.g. active transport)
- on other issues such as disaster readiness, social inclusion, urban and peri-urban biodiversity and bushland protection.

Recommendation 1.4

- *Re-invest in cross-jurisdictional institutions that focus on protecting the environment and efficient cities, public transport, buildings and resource use.*

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[11] Specific, Measurable, Attainable, Relevant and Timely.

- *Develop nationally-consistent environmental goals, standards, evaluation and reporting of environmental outcomes across major Australian cities.*
- *Create partnerships to implement urban policy-related Sustainable Development Goals.*

Conclusion (Part 1 – Sustainability of existing cities)

National leadership and cooperation across all levels of government are essential to the future of Australia's cities. The Committee's inquiry should consider how Commonwealth coordination and leadership can most effectively contribute to law, policy, programs and resources that deliver lasting, sustainable environmental outcomes for Australia's cities.

This should include addressing the barriers to sustainability identified at the start of this submission. For example, by:

- Adopting clear Commonwealth goals and resourcing for sustainable cities
- Building institutional capacity and inter-governmental coordination
- Investing in environmental data and monitoring for long-term public benefit and
- Truly integrating socio-economic, environmental and equitable factors in decision-making to achieve ESD (see 2.1 below).

We hope the recommendations above will assist the Committee in this process.

Part 2 – 'Growing new and transitioning regional cities and towns' (sub-inquiry 2)

EDOs of Australia strongly supports regional development that is ecologically sustainable, and that benefits communities' wellbeing in the short and long term. Regional development is also about equity of opportunity and access to services. These include health, housing, education, employment, the arts and public transport – but also 'ecosystem services' such as air, soil and water quality, recreation areas, a liveable climate, and other services that support regional lives and livelihoods.

This part of the submission briefly highlights five critical issues for planning in regional Australia (many are also relevant to sustainability of metropolitan cities):

> **2.1 Embedding Ecologically Sustainable Development**
> **2.2 Good strategic planning**
> **2.3 Natural resource management goals, data, environmental accounts**
> **2.4 Climate change readiness**
> **2.5 Community engagement, including regional Aboriginal communities**

2.1 Embedding Ecologically Sustainable Development

As noted, ecologically sustainable development (**ESD**) is an essential guiding principle for development, including in the regions. Australia has defined ESD as:

> *using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.*[12]

All jurisdictions in Australia have agreed 'that the concept of [ESD] should be used by all levels of Government in the assessment of natural resources, land use decisions and approval processes.'[13] Yet this concept isn't just about 'balancing' the environment with economic and social outcomes. It is about *integrating* them by recognising these areas are interlinked and interdependent.

In particular, four additional principles of ESD aim to make the environment and social equity more visible in decision making. We paraphrase these below:[14]

- *The precautionary principle* – acting with caution and taking steps to prevent serious or irreversible harm to human health or the environment.
- *Conservation of biodiversity and ecological integrity* – as a fundamental consideration in decision-making (not an optional extra or a late addition);

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[12] See: https://www.environment.gov.au/about-us/esd/publications/national-esd-strategy-part1#WIESD.

[13] *Intergovernmental Agreement on the Environment* (1992), Schedule 2 - Resource Assessment, Land Use Decisions and Approval Processes, clause 1. See: https://www.environment.gov.au/about-us/esd/publications/intergovernmental-agreement.

[14] For example see *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ss 3-3A.

- *Inter-generational and intra-generational equity* – ensuring the costs and benefits of decisions are borne equitably: across society, across geography, and over time.
- *Full environmental costing* – decisions should be made based on a full assessment of environmental values, impacts and losses (including via the *Polluter Pays principle* – that those who cause environmental damage are responsible for the costs of avoiding, reducing and remediating it.)

These principles are embedded in many planning and environmental laws. However, our experience with these planning and environmental laws across Australia suggests that clearer legal requirements, policies and guidance are needed to apply and achieve ESD – to ensure our society, environment and economy are productive, liveable and sustainable into the future. This submission provides some practical examples of how this could be done.

Recommendation 2.1:

The Committee should note the continued importance of ecologically sustainable development (ESD) as an overarching guiding principle for regional development. In particular, to more clearly integrate (not just 'balance') environmental, social, economic and equitable considerations into planning and development decisions in regional areas, for the short- and long-term future.

2.2   Good strategic planning

Strategic planning for our regional cities should have a clearly legislated purpose and process. It should engage locally, be coordinated, evidence-based, apply ESD principles, and maintain or improve environmental outcomes to support local communities and economies.

Establishing a clearer legal framework for improved strategic regional planning – in terms of both procedure and outcomes – will assist to create certainty for ecologically sustainable growth and development, protect sensitive environmental areas and productive agricultural landscapes (including peri-urban farming), integrate infrastructure planning, and reduce future site-by-site land-use conflicts.

Recommendation 2.2:

Strategic planning across the regions should:

- *be subject to clear, legislative criteria that integrates short- and long-term environmental, social, economic and equitable considerations (see recommendations 2.1 and 1.2);*
- *be coordinated and consistent across different agencies and types of plans;*
- *be evidence-based – considering past, present and future environmental conditions, cumulative impacts and the carrying capacity of the region; and*

- *aim to 'maintain or improve' specified environmental outcomes in the region, including for the benefit of communities and present and future generations.*

2.3 Natural resource management goals, data, environmental accounts

Regional planning must be linked to natural resource management (**NRM**) goals and data. NSW needs to adopt state-wide NRM goals and targets that can apply to the regions; and invest in gathering and analysing data on ecosystems their services, including a state environmental accounts framework. This is important because much of Australia's biodiversity occurs in regional areas, but these areas are often under-resourced to identify, monitor and protect that biodiversity. This was a consistent theme in Australia's *State of the Environment 2016* report.

> ### Recommendation 2.3:
>
> *To better integrate environmental factors into decision making at all levels including regional planning, all governments should:*
>
> - *adopt a set of clear, ambitious environmental and natural resource management (NRM) goals and targets. These should be translated and given effect in regional plans, supported by NRM agencies;*
> - *invest in a program to identify and gather data on 'ecosystem services' (benefits to humans provided by nature), report on and raise awareness of the importance of ecosystems and their services;*
> - *establish national, state and regional 'environmental accounts' to assess progress against targets (based on nationally applicable criteria). These accounts should assess the extent, condition and trends in natural resources and environmental assets including biodiversity, native vegetation, carbon storage, soil and water quality.*

2.4 Climate change readiness

Climate change is already affecting regional Australia. Regional settlement planning – and planning, development and agricultural systems more broadly – have a crucial role to play in mitigating impacts and ensuring resilient landscapes and communities.

The Commonwealth, States and Territories need complementary greenhouse mitigation strategies and targets linked to infrastructure funding and state planning systems. Our analysis suggests state planning systems are poor at implementing greenhouse gas emissions reduction (mitigation).[15] The

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[15] See for example EDO NSW, *Planning for climate change: How the NSW planning system can better tackle greenhouse gas emissions* (2016) [PDF]; and EDO NSW, *Climate change and the legal framework for biodiversity protection in Australia* (2009) [PDF], both at www.edonsw.org.au.

Productivity Commission and the Climate Council have identified various barriers to adaptation.[16] On top of this, the difficulty of reaching long-term agreement on federal climate policy on mitigation (in particular) and adaptation is well known.

Reducing emissions and adapting to unavoidable climate change are two sides of the same coin. Reducing emissions now makes adaptation easier and less costly, as impacts will be less severe, causing fewer shocks to human and ecological systems. Any future regional planning framework must consider:

- climate change risks and impacts of development (strategically and at site-level);
- how emissions and impacts may be minimised;
- how regional communities and landscapes may adapt; and
- what adaptive planning mechanisms may be required.

Recommendation 2.4:

The Commonwealth, State and Territories need whole-of-government greenhouse mitigation strategies and targets. These must link closely with strategic planning and development laws – at present they do not.

Any future regional planning framework must consider climate change risks and impacts (both mitigation and adaptation) and the need to transition to clean energy. This is consistent with domestic and international agreements.

In particular, regional planning processes should require (by law):
- *the incorporation of climate change considerations into all strategic planning;*
- *a comprehensive assessment of the climate change implications of all significant development, and the ability to refuse projects on climate grounds;*
- *best practice criteria or sectoral development standards (mitigation and adaption) that all development proposals must comply with in order to proceed.*

2.5 Community engagement, including regional Aboriginal communities

Finally, upfront comprehensive community engagement is critical for regional planning as every community is different, with different needs, aspirations, development opportunities, environmental assets and land-use constraints.

Regional communities, including Aboriginal communities and Traditional Owners, should have better, earlier and more accessible ways to help plan the future of their towns, communities and environments. Wherever Australians live, they

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[16] See *Barriers to Climate Change Adaptation*, http://www.pc.gov.au/inquiries/completed/climate-change-adaptation. See also *On the Frontline*, https://www.climatecouncil.org.au/ruralreport.

should have access to healthy environments and equitable opportunities for services and employment.

The Committee should give particular consideration to equipping regional communities who rely on emissions-intensive industry and other sectors with cumulative environmental impacts, and empowering those communities for change.

> **Recommendation 2.5:**
>
> *Regional communities should be given more engaging, innovative and earlier opportunities to influence the planning process for the future of their towns, cities and environments. This should harness new technology and go beyond orthodox approaches of 'consultation by written submission'. Specific groups, including Aboriginal people, should be asked about their preferred ways to engage and be able to have meaningful input in those ways. Accountability and review mechanisms should apply to regional planning processes.*

Conclusion (Part 2 – Sustainability in regional cities and towns)

Overall, we support integration of the five key issues above into robust regional city planning processes. Principles and standards for good strategic planning must be developed in consultation with regional communities and governments, and clearly set out in amended planning laws, policies and infrastructure funding agreements. Regional planning processes must be effectively resourced, implemented, and integrated with NRM targets, to ensure a sustainable future in the short and long term for communities across Australia.

The Committee should consider how Commonwealth coordination and leadership can effectively contribute to law, policy and programs in these areas. These areas are further addressed in a 2016 EDO NSW submission on regional planning considerations in that state.[17] We note there are equivalent needs and deficiencies in many other state and territory laws and policies.

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[17] EDO NSW *Submission to the NSW Legislative Council Inquiry On Regional Planning Processes* (2016) [PDF] available at:
http://www.edonsw.org.au/planning_development_heritage_policy.