

## Legislative Council Hansard – 21 September 2017 – Proof

**ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (ADDRESSING  
CLIMATE CHANGE) BILL 2017**  
**LOCAL GOVERNMENT AMENDMENT (CLIMATE CHANGE) BILL 2017**  
**PRESERVATION OF TREES AND PUBLIC OPEN SPACE (MISCELLANEOUS  
LEGISLATION AMENDMENT) BILL 2017**

*First Reading*

**Bills introduced, and read a first time and ordered to be printed on motion by Mr David Shoebridge.**

*Second Reading*

**Mr DAVID SHOEBRIDGE ( 15:37 ): I move:**

That these bills be now read a second time.

This is The Greens planning package. We believe in planning for people and for the environment. We know that there is no future for any of us unless we preserve and protect this one precious planet upon which we live. That is why we have introduced this cognate legislation, to put climate change into our planning laws, to empower local councils to plan for climate change and to create enforceable tree-canopy targets across Sydney and our other major urban areas. These measures together can take us beyond business as usual. We can transform New South Wales and set it on a path to meeting the globally agreed Paris targets of a maximum 1.5 degrees to 2 degrees of global warming.

It is no exaggeration to say that climate change is and remains the largest political and moral challenge of our time. It is a threat to our natural world, to our national security, to our wealth and prosperity, and to our access to basic things such as food and water. It is a threat to human rights around the globe, and it will hit the most vulnerable and poorest both hardest and first.

We must look closely to our planning system. That is the system that manages the approval process for projects with the biggest carbon footprints in New South Wales. The planning system endlessly approves coalmines. It delivers energy-hungry apartment blocks, disposable commercial buildings and seemingly endless sprawl, but it does not have to be that way. Instead of this current mess—this city destroying, planet destroying mess—we want to build sustainable, liveable cities for generations to come; cities that our grandchildren will be proud of. We want connected, walkable, liveable neighbourhoods that have the services communities need, the active transport links that connect us and keep us fit and healthy, as well as the public transport, smart buildings and urban development that we desperately need.

Many places across Sydney will increase in density. We understand that and that is okay, but it has to be smart, it has to be sustainable and it has to be on a scale that delivers for human beings, not just property developers and their profits. The Greens know that sustainable cities are not just about the buildings, they also must have the tree canopy, the urban forest, the street trees and the green open spaces for us and nature to share.

Right now the New South Wales planning system is one of the biggest parts of the problem. It needs to be one of the biggest parts of the solution and that needs to happen soon. These bills are more than just the first step. They are a key part to changing our planning system so that it positively contributes to the drastic reduction in the intensity of greenhouse emissions from new development that will be vital in a climate constrained future. These bills will empower local councils to act on climate change and these bills will protect our existing urban trees and make for the planting of plenty more.

I turn now to the Environmental Planning and Assessment Amendment (Addressing Climate Change) Bill. Our current planning laws do not even mention climate change. The words "climate change" are not found once in the Environmental Planning and Assessment Act 1979. Development applications under the current law are decided with little or no reference to the greatest environmental and social challenge of our time. By changing how planning accounts for climate change, we can take real steps to reduce our greenhouse gas emissions. We can make our planning system work for us rather than against us.

This needs to include a specific system-wide objective of considering climate change, of minimising carbon emissions in all developments and of requiring the cumulative lifetime greenhouse gas emissions of development to be understood, measured and accounted for. We need to ensure that mine approvals—particularly coalmine approvals—do not just include consideration of the emissions of digging the mine, digging out the oil and digging out the coal, but also consider the burning of the fossil fuels that are extracted.

What is the detail? The Environmental Planning and Assessment Amendment (Addressing Climate Change) Bill will make a number of key changes to the current planning Act. First, it will introduce a new objective into the Act, which requires plan making and development assessment to consider the implications of the proposal for climate change—specifically the need to reduce greenhouse gas emissions consistent with both State and Federal commitments towards the target of a maximum of 1.5 to 2 degrees of global warming—and the need to protect the development and the surrounding locality against the impacts of climate change.

The bill will also introduce a new objective into the Act, requiring development to be assessed taking into account whether the proposal adequately minimises the cumulative lifetime greenhouse gas emissions from the development. It will ensure that cumulative lifetime greenhouse gas emissions of development must, first of all, be defined and then evaluated to determine whether they have been minimised as far as possible and consistent with best practice. The bill will also ensure that mining developments include consideration of the impacts on the global atmosphere of the greenhouse gas emissions from the burning of fossil fuels recovered, whether that burning occurs in Australia or outside. That is in addition to the direct environmental impact of the mines' workings themselves.

The Local Government Amendment (Climate Change) Bill is part of The Greens fundamental commitment to grassroots democracy and to local government as one of the core sources of solutions for climate change and other social issues. The Greens, unlike the Liberal-Nationals, believe in empowering every level of government to act on climate change. In fact, we believe in empowering our citizens to do the same. Local governments are uniquely placed to understand the threat climate change poses to their area. Local government gets it in a way that the State Government and the Federal Government too often do not—because it is local government that has to deal with the consequences when the beaches are eroded, when the roads are washed away and when the storm surge destroys the assets that it has to rebuild with ratepayers' money.

*[Interruption]*

**The Hon. Greg Donnelly:** Point of order: Members are familiar with the procedure of allowing the member with the call to complete his second reading speech in silence. I ask that that be done.

**The DEPUTY PRESIDENT ( The Hon. Shayne Mallard ):** I uphold the point of order. I ask the Clerk to provide me with the list of members who have been called to order today as I do not have that information. I know that many members are on two calls to order—although I suspect that the members who have been interjecting are not. I ask all members to allow Mr David Shoebridge to be heard in silence.

**Mr DAVID SHOEBRIDGE:** It is local councils that make many of the decisions about planning, coastal retreat, coastal policy and energy policy that determine the impact of climate change on their individual areas. We need to support local councils' leadership on this issue with solid legislative mechanisms. Local councils must be empowered to consider climate change when they are taking actions on street pavements, improving our quality of life and delivering for local government.

The Greens Local Government Amendment (Climate Change) Bill 2017 has a series of objects which we say are essential to empowering local government to address the challenges of climate change. The bill does the following: first, it requires local councils to exercise their functions in a manner that furthers the State's ability to meet its targets to reduce greenhouse gas emissions and adapt to the implications of climate change for people, communities and ecosystems in the State. Second, it requires councils to prepare and implement a five-year climate change action plan detailing their policies and programs to reduce greenhouse gas emissions and adapt to climate change, and to report annually to the Minister on the implementation of those action plans. It authorises councils to make emissions reduction pledges, consistent with the Victorian legislation.

Finally, it allows councils to enter into environmental upgrade agreements relating to works that will reduce the hazard impacts of floods or sea level rise on buildings and nearby land, environmental processes or both. The Greens know that local councils are a core part of the answer on climate change. Indeed, recent surveys have shown that of all the levels of government, it is local councils that are doing the most to address their carbon emissions and to make their communities both resilient and ready to deal with the challenges of climate change. This bill empowers them further.

I turn to the Preservation of Trees and Public Open Space (Miscellaneous Legislation Amendment) Bill 2017. The objects of this bill are, first, to encourage the preservation of trees in urban areas. The bill does this in three main ways. Firstly, it requires urban councils to consider the impact of proposed development on the maintenance or enhancement of the mature tree canopy, and to consider the health of a tree that is proposed to be removed or damaged, and the environmental, social, health and financial benefits of preserving the tree when determining development applications or other applications. Secondly, it requires the Greater Sydney Commission to include in its district plans specific targets to increase urban tree canopy and to monitor the progress of councils in achieving those targets. Thirdly, it provides for the regulations to create guidelines about suitable plantings to increase the tree canopy across our urban areas.

The bill further provides for the preservation of public green open space by allowing Parliament to disallow any sale, lease or other dealing with public green open space by a council, or any vesting of Crown land that is public green open space in a council. The bill requires any Crown land vested in the council to be retained as public green open space or for the existing proportion of public green open space to be maintained in that development. The Greens know that it is our urban trees and our urban tree canopy that makes our city of Sydney such a special place to live. The Greens know that it is the citywide canopy that reduces urban heat islands, that maintains the canopy for our native animals to live and to thrive in, and that connects many of our otherwise green nature reserves so that animals can have the important corridors to move from point to point.

We know, as well, that Sydney has sweltered over the last few summers, and that with climate change extreme heat will become more common in our cities. It is therefore remarkable that the district plans proposed by the Greater Sydney Commission have no analysis of each district's tree canopy cover, and have no mechanisms to ensure that we plant more trees to make our cities more liveable, sustainable and climate ready, let alone have any specific targets for increased tree cover.

Studies, including the comprehensive 2016 United States Environmental Protection Agency study on urban heat islands, demonstrate that increased tree canopy in urban areas has a multitude of benefits. These include reductions in energy use because trees and vegetation that directly shade buildings greatly decrease demand for air conditioning, improvements in air quality, and lower greenhouse gas emissions. By reducing demand for energy, trees and vegetation decrease the production of associated air pollution and greenhouse gas emissions. They also clean the local area by removing air pollutants and storing them, sequestering carbon dioxide.

Trees enhance stormwater management and water quality. Vegetation greatly reduces run-off and improves water quality by absorbing and filtering rainwater. Trees reduce pavement maintenance, because tree shade has been demonstrated to slow deterioration of street pavements, decreasing the amount of maintenance needed by local councils. Trees improve the quality of life. Study after study has shown that trees and vegetation provide not just aesthetic value and habitat for many species, but also benefits for our health and sense of wellness. Urban tree canopy is critical for our city; its maintenance and improvement is of critical importance to the Greens.

The Greens have always had a key role in planning in this State—from blocking the proposed damaging planning changes in 2013 to making submissions on individual development applications. The Greens continue that tradition. In fact, our party was born during the struggle to protect our urban environment with the green bans movement of the 1970s. I personally consider Jack Mundy—the leader of the Builders Labourers Federation [BLF], who played such a key role in saving our built and natural heritage in this city—to be a mentor and an example in the work I do in this place.

The Greens role in pushing New South Wales towards having a more sustainable planning system that fully considers the environmental and social impacts of our planning decisions is key to the work we will do in this place and in the community. Now we deliver a fresh, forward-thinking, practical plan to save the planet through our planning system, and to protect our beautiful cities. With sustainable cities, local climate action and urban forests, we are moving from statements of ambition to real plans for success. I commend each of these three bills to the House.

**Debate adjourned.**