



Greater Sydney Commission Bill 2015 (Proof)

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Extract from NSW Legislative Council Hansard and Papers Wednesday 11 November 2015 (Proof).

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for Multiculturalism) [5.40 p.m.], on behalf of the Hon. Duncan Gay: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

Leave granted.

I am pleased to introduce the Greater Sydney Commission Bill 2015.

The establishment of the Greater Sydney Commission recognises the foundational importance of getting planning right in Sydney. Getting planning right in Sydney is about ensuring that as Sydney grows, our growth is also matched by progress. Getting planning right is about making people's lives tangibly better as Sydney inevitably gets bigger.

Sydney is, by dint of its scale and history, often seen as the face of New South Wales. Sydney, and its progress, flows out to every corner of our State and nation. A prosperous thriving Sydney also supports regional New South Wales and the flows of goods, people, services and capital to and from the rest of our State.

Making sure Sydney is as productive, as sustainable and as liveable as possible is important not just locally, but nationally.

In the past, Sydney has been criticised as being too dependent on its good looks, with our planning and growth lazy and incoherent. More than it should have, Sydney has traded off its physical beauty rather than intelligent and thoughtful design.

As some have said, where Adelaide is a city that thinks but does not grow, Sydney is a city that grows but does not think.

Perhaps as a result, Sydneysiders often now bemoan development of any kind. Given the learned experience of development done poorly, this is perhaps not surprising. The imperative of growth and our collective desire to make a better city have become disconnected.

Today, Sydney faces unprecedented challenges. Where only 10 per cent of global population lived in cities in 1900, today 50 per cent live in cities, and by 2050 some 70 per cent of the world's population will reside in cities. In Sydney we expect another 1.6 million people by 2031. More than half of this growth will occur in Western Sydney alone.

Simply saying Sydney is full, or seeking to stifle Sydney's growth, is not going to stop people wanting to live in such a great city. Instead we need an approach to planning in Sydney that ensures decisions about change improve lives both now and into the future.

Sydney is the eighteenth largest metropolitan area in the developed world. The city's scale demands a strategic and region-wide approach to planning, rather than a disconnected morass of central government agencies working apart and 41 councils of different sizes and capacities each conducting planning in isolation from neighbouring councils.

These are, of course, not new concerns. For more than a century now, this Parliament has been debating metropolitan planning and governance in the Greater Sydney area. There are countless examples where a lack of metropolitan governance has resulted in poor decisions that have detracted from our quality of life through congestion, pollution, a loss of heritage and huge opportunity costs.

In 1913 a New South Wales royal commission of inquiry was convened to investigate the question of the constitution of a Greater Sydney. In their report to His Excellency Sir Gerald Strickland, then Governor of New South Wales, the commissioners submitted:

Sydney is a magnificent site for a city, but the built upon area has many serious defects for want of co-ordinative town planning, and the way to safeguard against

similar defects in its future expansion is to have a comprehensive and careful layout of the metropolitan area as soon as possible.

Town-planning will make for health, convenience, amenity and economy—its value is incalculable, and its cost comparatively small. Its urgency is a strong reason, both for a Greater Sydney being brought to existence and for the new body giving its immediate and earnest attention

Known then as the "Greater Sydney Movement", civic leaders of Sydney in 1913 emphasised the frustration and costs of uncoordinated growth. The challenge was thus set for numerous bills that would follow to Parliament—in 1915, 1918, 1927, and 1931—each sought to settle this dilemma.

The establishment of the Greater Sydney Commission finally responds to these concerns. The Greater Sydney Commission is our Government's commitment to improving planning in Sydney and making Sydney more sustainable, more liveable and more productive.

This bill sets out the architecture for the Greater Sydney Commission. This new authority will bring together State and Local Government, as well as independent experts.

The Commission will be supported by a new executive staff agency in the Planning and Environment cluster headed by a Chief Executive Officer [CEO]. The CEO will report to the Chair of the Greater Sydney Commission.

The Commission will consist of a Chief Commissioner, three Greater Sydney Commissioners, six District Commissioners, and the Secretaries of Planning and Environment, Transport and the Treasury. The Commission will also comprise the following bodies:

1. The Sydney Planning Panel;
2. The Infrastructure Delivery Committee;
3. The Finance and Governance Committee; and
4. The Strategic Planning Committee.

The bill has five objectives.

Objective 1—Metropolitan Planning

The first objective for the commission is to lead metropolitan planning for the Greater Sydney Region.

To achieve this objective, the commission will prepare District Plans for each of Sydney's six districts and review the metropolitan plan—A Plan for Growing Sydney. This process will be led by a Strategic Planning Committee as set out in Clause 13 of the bill.

Schedule 4 to the bill provides that the commission will also constitute a new body, called the Sydney Planning Panel. This body will replace the Sydney Joint Regional Planning Panels. The panel will approve local environmental plans, determine rezoning reviews and decide on development applications that previously would have been considered by a Joint Regional Planning Panel [JRRP].

The design of the commission learns from the experience of former planning bodies in New South Wales. The Cumberland County Council, for instance, lacked sufficient influence over State government agencies and faced hostility from local councils. Conversely, the State Planning Commission was too technocratic, embedded in government, and lacked community representation.

The model now proposed learns from these past experiences and seeks to integrate planning decisions both vertically between the State government and councils, and horizontally between government departments and agencies with responsibility for land use decisions.

The commission recognises the essential role that local government plays in answering the challenges presented by Sydney's growth. It will be the councils in each district of the Greater Sydney region that recommend to the planning Minister the commissioner to represent their district.

Objective 2—ESD

The second objective of the commission is to promote orderly development in the Greater Sydney region, integrating social, economic and environmental considerations, with regard to the principles of ecologically sustainable development contained in section 6 (2) of the Protection of the Environment Administration Act 1991.

Promoting ecologically sustainable development will be at the heart of the commission's operations. The role of the three Greater Sydney Commissioners will be to provide balanced advice to the

government on how to deliver economically, environmentally and socially sustainable development in Greater Sydney as it continues to grow and change.

Clause 6 (3) of the bill sets out that of the three Greater Sydney Commissioners, one will have principal responsibility for the activities of the commission to the extent they relate to environmental matters, one will have principal responsibility for the activities of the commission to the extent they relate to social matters and one will have principal responsibility for the activities of the commission to the extent they relate to economic matters.

Ensuring the three Greater Sydney Commissioners have the specific responsibilities outlined in clause 6 (3) of the bill will enable the commissioners to assist the commission and government in implementing decisions that take into account the elements of ecologically sustainable development. The commissioners will collaborate with each other, ensuring that development occurs at the intersection between social, economic and environmental considerations.

These three commissioners will apply their expertise and skills to ensure that social, economic and environmental issues are dealt with in an integrated and interdisciplinary manner.

This will be achieved through the joint participation of the Chief Commissioner and the Greater Sydney Commissioners on the Finance and Governance Committee.

The Finance and Governance Committee will play an important role in leading public debate and supporting councils (including, particularly, mayors) to participate in strategic decision making. Programs such as the Future Cities Collaborative, an initiative of the United States Studies Centre at the University of Sydney, led by Professor Ed Blakely, have demonstrated the benefits that can come from effective partnership with local councils. The commission will build on the experience of the Future Cities Collaborative.

Objective 3—Land use integration

The third objective of the commission will be to integrate government infrastructure decision-making with land use planning.

Infrastructure and land use decisions will be coordinated through the work of the Infrastructure Delivery Committee. The Greater Sydney Commission will develop Infrastructure Delivery Plans to identify infrastructure priorities that will drive improved development.

Out of these Infrastructure Delivery Plans, the Infrastructure Delivery Committee will also provide an annual infrastructure priority list to government. This list will provide advice to government on where infrastructure should be provided to achieve the best social, economic and environmental outcomes.

The commission will work closely with Infrastructure NSW providing expertise and advice on the preparation of plans, policies and statements under part 4 of the Infrastructure NSW Act 2011.

Critical to the commission's success is ensuring it effectively engages and collaborates with government departments and agencies.

Repeated reviews of the failings of the New South Wales planning system have identified that an absence of horizontal integration in planning decision making within government is also critical issue.

The presence of the Secretaries of the Treasury, Transport and Planning and Environment on the commission will provide for integrated decision making in government decision-making. The Secretaries provide a critical link between the commission and internal government processes, particularly relating to land use and infrastructure planning.

Objective 4—Housing

The fourth objective of the commission is to promote the supply of housing, including affordable housing.

Our Government aims to boost confidence and certainty by increasing housing supply with a target of approving 50,000 new homes each year across the State. We aim to address a historic undersupply of new homes and to provide opportunities for the thousands of new residents coming to New South Wales every year.

To support this, the commission will lead strategic planning in Sydney for new homes and new communities across a diversity of tenures and forms. Local environment plans often conflict with one another, leading to poorer urban outcomes and reduced housing supply. Councils often complain that they do not have the resources to consider regional and State priorities in the local planning process.

The strategic planning functions of the Greater Sydney Commission are set out in schedule 5 to the bill. These functions are at the heart of the commission's functions and powers.

The bill inserts a new part 3B into the Environmental Planning and Assessment Act 1979. This new part increases the focus in the Environmental Planning and Assessment Act 1979 on strategic planning. The legislation is drafted so that the new process for strategic planning automatically applies across the Greater Sydney region.

The new focus on strategic planning may also, upon ministerial order, apply in other regions of New South Wales. It is the Government's intention that, over time, this strategic planning approach will be implemented across the State. The new strategic planning approach outlined in part 3B will ensure a focus on strategic planning throughout all elements of the planning system.

At the core of part 3B is a "chain of plans", working both top down from major infrastructure decisions by central government and bottom up from the aspiration of local neighbourhoods as they shape their area into the future, across three levels of plans—regional plans, district plans and local environment plans.

Proposed section 75A1 which will introduce a specific requirement for: (1) district plans to "give effect to" any regional plan applying to the region of which the district is part of; and (2) for local environment plans to "give effect to" any district plan applying to the local government area to which the planning proposal relates or, if there is no district plan applying, to any regional plan applying to the region in respect of which the local government area is part.

The words "give effect to" means that plans must speak to each other so that every environmental planning instrument [EPI] in Sydney forms part of a clear narrative about the future shape of our city.

This is why it is important for residents of Sydney to be involved in every level of planning. In this era of modern communications it is imperative that communities look beyond their local area and the commission will lead community engagement and consultation at both the district and metropolitan levels of planning.

We need a new paradigm of community engagement. Sydney residents have a stake in the shape of development not just in their local neighbourhood but in the broader district and city in which they live. The commission's strategic planning role will provide for this.

Consultation will also be at the heart of the Greater Sydney Commission's functions. It is imperative that the commission engages with the community as a partner.

If this bill passes into law, regulations will be prepared setting out in detail processes and procedure for the Greater Sydney Commission. This will include specific requirements to ensure the commission undertakes effective and meaningful community consultation.

Objective 5—Resilience

The fifth objective of the commission is to encourage development that is resilient and takes into account natural hazards.

As we move into another summer of extreme El Nino weather, the economic, social and environmental imperative for resilience planning becomes increasingly clear. State and local government play a critical role in ensuring Sydney is ready to address the issues posed by predicted changes to our climate, which emphasises the importance of resilience planning.

The Government will request the commission—as an inaugural task—assist councils across Sydney develop resilience plans. I will be instructing the commission to work closely with the Australian Business Roundtable for Disaster Resilience and Safer Communities and the City of Sydney's recently appointed Chief Resilience Officer to achieve this important objective.

I will also ask the commission to work closely with the Federal Government's new Minister for Cities and the Urban Environment. I will task the commission with meeting with the Minister twice each year to progress opportunities to better align Federal tax and regulatory settings with ensuring Sydney becomes more productive, more liveable and more sustainable.

Objective 6—Improve productivity

The sixth and final objective of the commission will be to support ongoing improvement in productivity, liveability and environmental quality.

As Sydney grows bigger we also want it to be a better place for the community to live, with higher quality environments and more access to services.

The Finance and Governance Committee will provide a formal forum for the commissioners to provide leadership on city shaping issues.

This committee is a ready-made body to determine complex issues, provide advice to the commission and Minister and implement projects on matters important to productivity, liveability and environmental

quality in Sydney.

The committee will also develop clear metrics for reporting on the economic, environmental and social performance of Greater Sydney. The commission will host a "dashboard" to enable easy engagement with metrics and data about our city's performance. The commission will also submit an annual report that includes information on the implementation of strategic plans, including information about any related monitoring or evaluation undertaken.

To encourage best practice, the committee will administer a new scheme of awards for planning excellence. The committee will also take over administration of the Urban Greenspace Program and shaping Sydney Harbour.

Conclusion

The commission will ensure that we have the necessary architecture to ensure Sydney continues to compete on the international stage with the great global cities—each of which have similar metropolitan governance frameworks in place.

In her seminal 1999 book *Sydney: Biography of a City*, Former Lord Mayor Lucy Hughes Turnbull, AO, concluded thus:

Perhaps, at a time when the Sydney region has been enjoying such a surge in economic activity, it is time to revive the idea promoted early in the twentieth century of a 'Greater Sydney Movement'. The planning and future of Sydney, at both a tangible and an intangible level, should not be left to a sometime apparently ill-coordinated cluster of state government departments...and an almost dizzying plethora of forty-one councils, to name just a few. There should be a way of looking at this great city in its entirety rather than as a maze of fiefdoms, each with its own agenda and set of priorities.

An important part of achieving this goal is for more people to become engaged in debate as to how Sydneysiders themselves can help make this great city an even better place in which to live and work. Only by becoming involved can the city's residents ensure that the nature of the growth and development of Sydney is as good as our city and its people deserve.

While over 15 years have passed since Ms Hughes Turnbull wrote those words, they are, if anything, even more true today. Today, with the second reading of this bill, is an important landmark in the Greater Sydney Movement achieving its goal.

I commend the bill to the House.