

**Submission  
No 64**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

**Organisation:** Singleton Council

**Date Received:** 3 November 2023

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3<sup>rd</sup> November 2023

Portfolio Committee 7 – Planning and Environment  
Legislative Council  
Parliament of New South Wales  
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**Singleton Council Submission on the Terms of Reference –  
Portfolio Committee No. 7 – Planning and Environment**

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To whom it may concern,

Thank you for the opportunity to allow Singleton Council to provide comment on the Terms of Reference (ToR) for the Portfolio Committee No. 7 – Planning and Environment. Our submission has been prepared by staff that regularly engage with the planning system, biodiversity legislation and coordinate council's response to climate change adaptation.

Comments provided have aimed to address the concerns of Singleton Council in relation to the current practice and expectations of the planning system and sustainable development goals to manage climate change. Our submission aims to provide recommendations and insight into the impacts of the planning system and climate change on our regional community and environment.

The current planning system within New South Wales relies on legislation that focuses on traditional design methods and objectives that were designed during the 1970's. The planning system has remained in a similar state since the gazettal of the NSW EP&A Act 1979 with a significant lack of modern technologies and sustainable solutions presented or accepted in design and sustainability outcomes of new development. The rigidity of the planning system has the potential to limit sustainable design solutions that incorporate green infrastructure and green spaces to maintain and enhance the natural environment, as well as improve the social livability outcomes within our cities and regions.

The Singleton Local Government Area (LGA) has been partly identified as in-drought and experiencing unseasonably high temperatures across the LGA. Similar to many other LGAs across the state, Singleton is heavily constrained by a number of natural hazards with the potential to cause significant harm to human health and the environment, including:

- Flooding - Singleton is highly constrained by flooding with the Hunter River dissecting the LGA and much of the land classified as high hazard floodplain, making it unsuitable for a range of development. In the past five years, Singleton has experienced a number of major flood events. In this time, Singleton Council has developed a new Floodplain Risk Management Study and Plan, due for adoption in early 2024. The need for consistent, transparent, and effective planning controls to support adaptive land uses is essential to providing certainty, protection, and recovery from future events. The impacts of changing flood behaviours mean that much of our developable land is vulnerable as a result of climate change impacts. Additionally, although the town has a partial levee future proofing existing development within the Singleton town centre is a key priority that requires consistent, transparent, and effective planning controls.
- Bushfire – Bushfires are a significant threat to our region and place people at risk. The increasing heat and other climatic indicators resulting from climate change continue to increase the potential risks and consequences to people and the environment. The Planning for Bushfire framework provides direction to new developments and alterations to existing developments on protecting life and property during bushfire events. However, the framework lacks clarity for existing developments and the planning system lacks the ability to cater for innovative design outcomes to reduce bushfire risks.
- Dust and Air Quality – Singleton is already partly in drought with impacts intensifying. The increased out of season heat, along with the drought are increasing dust movement and in turn decreasing the air quality. This is in addition to air quality monitoring that occurs from mining in our region. The increased climatic changes are likely to see air quality continue to decline, and dust become a larger problem for the community. The current planning controls for the management and mitigation of amenity impacts lack rigour for local developments and developments that are permissible either without consent or under the *State Environmental Planning Policy (Codes) 2008*.
- Climate Change – Climate change is responsible for increasing damages and losses to ecosystems, people, settlements, and infrastructure. It is the responsibility of planning authorities to respond as an emerging form of risk management. It is well understood that existing planning controls applied in the current form will not be sufficient in projected future environments. Planning controls are required for a range of adaptation options including avoidance, retreat, accommodation, or loss acceptance.
- Drought conditions – As previously mentioned, part of the LGA is already declared to be in drought and intensifying. Singleton is largely rural lands consisting of farming of cattle, wheat and turf, and mining. The impacts of intensifying drought are already causing concern to farmers who experienced the devastating impacts of the previous drought in 2019, whilst the impacts of mining in a changing climate exacerbate these effects. There are currently no planning controls required to address issues of managing intensifying drought and the associated impacts (including dust) caused from increased climatic extremes. Additionally, there are currently no planning requirements for mining projects to adaptively manage to a changing climate or consider scenario modelling of impacts with a changing climate lens. Council has raised concerns regarding this on a number of mining related State significant development projects within the Local Government Area.
- Impacts to threatened entities – clearing of native vegetation and flora and fauna habitats are occurring across NSW. Singleton is no exception and is seeing an increase in loss of

Endangered Ecological Communities, including Lower Hunter Spotted Gum Ironbark Forest in the Sydney Basin and NSW North Coast Bioregions, as well as habitats for a range of threatened flora and fauna species, including Spotted-tailed Quolls, Phascogales and Koalas. The recent statutory review of the NSW Biodiversity Conservation Act 2016 and Biodiversity Offset Scheme indicated that the Act and Scheme are not working how they were intended. Singleton Council are developing planning outcomes to measure and manage cumulative impacts to these biodiversity values through independent development of a biodiversity values map for the LGA, along with strategic planning design of connectivity to ensure appropriate management and conservation of these values are protected into the future whilst maintaining development opportunities to the region.

To mitigate these impacts, Singleton Council are developing a number of strategies to mitigate and adapt to climate change to not only reduce the stresses on the community and environment but to identify opportunities for our future. These strategies will use the planning system to develop and design future land use planning outcomes that can withstand increased climatic events. In order to achieve this, the planning system needs to shift from a human first approach to an environment first approach with a broad strategic planning perspective. This will enable design and development to consider environmental and climatic constraints and opportunities first whilst subsequently providing informed and suitable development outcomes to regions of the LGA that currently experience risk to human life and health.

By redesigning the planning system to an environmental first approach, it will ensure ongoing effective management and development of our changing landscapes, as well as provide positive livable environments that provide equality at a community level. However, the responsibility should be with the NSW Government and planning system to provide high-level guidance and expectations for future planning outcomes to achieve climate adaptive development and sustainable design. Also, the recent review of the Biodiversity Conservation Act 2016 recommended a number of outcomes to provide a net gain to the environment. As the demand for housing continues to place pressure on councils to release land for development, this approach needs to be supported by a shift to sustainable green development and design that occurs in both infill development and greenfield development..

Short term planning reforms to reflect a nature positive approach are supported and recommended to be implemented whilst long term planning outcomes are determined. This will enable the direction of planning outcomes to be clearly identified for NSW that will align with revised legislation and guidelines. This will also allow for appropriate adaption and mitigation measures against climatic change to be invested and developed in a clear, transparent, and consistent manner.

Singleton Council support the inquiry into the planning system and the impacts of climate change on the environment and communities. It is our view that the current planning system lacks recognition of these important considerations and change is necessary to establish sustainable development solutions to manage and adapt to impacts from climate change, changing landscapes and provide positive social landscapes.

Council recommends that a review of the planning system focus on providing long term sustainable, environmentally suitable solutions that aim to reduce the impacts of climate change through design and materials and green infrastructure that will enhance livability for communities and ensure new development inherently possesses low embedded energy outputs.

A comprehensive review of the planning system with short-, medium- and long-term planning reforms will reduce the consequences of building back better and/or building better futures, provide appropriate planning opportunities to utilise vulnerable lands at risk of natural hazards (flood, drought and bushfire) for appropriate development through design and innovation and work towards implementing and achieving long term development objectives. It will also increase the capacity of our LGA to provide residential dwelling opportunities in line with current NSW housing expectations and offer context to planning matters. In relation to land use change, particularly that of mining planning reforms will provide an opportunity to assess impacts of climate change and future land use outcomes that are not currently required to be considered as part of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

It is recommended that the overarching goal of the planning system increase green infrastructure development and design requirements and provide a nature positive outcome for new development whilst focusing on long term strategic planning outcomes. Where high hazard lands occur within proximity to existing town centres, it is further recommended that the planning system provide clear direction and guidance to planning outcomes and development expectations to enable continued suitable growth whilst ensuring appropriate consideration of climatic risks.

If you would like to discuss any part of our submission further, please contact Council's Principal Planner

Sincerely,

Mrs. M Crawford  
Manager Development and Environmental Services