

**Submission
No 71**

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

Organisation: Hornsby Shire Council

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Ms Susan Higginson MLC
Portfolio Committee No. 7 Chair
NSW Parliament
6 Macquarie Street
SYDNEY NSW 2000
sue.higginson@parliament.nsw.gov.au

Dear Ms Higginson

Parliamentary Inquiry – Planning system and the impacts of climate change on the environment and communities

The purpose of this letter is to provide comments in relation to the Parliamentary Inquiry into the planning system and the impacts of climate change.

The most effective way the planning system can ensure people and the natural and built environments are protected from climate change impacts and changing landscapes is for the State Government to lead the way by acknowledging climate change as a legitimate constraint to development. Unfortunately, the current narrative from the State Government is for additional housing without balanced consideration of climate change, sustainability and other constraints and risks.

This is in conflict with planning at the local level. For example, Hornsby Council adopted the Sustainable Hornsby 2040 Strategy which acknowledges the many challenges posed by climate change, population growth and urban intensification and provides a vision for a sustainable future.

In response to the inquiry's terms of reference, the following comments are provided. Please note that due to the timing for the close of submissions, the terms of the Inquiry have not been reported to the elected Council and therefore, the comments below have been prepared by Council's technical officers:

A) Developments proposed or approved:

- i. In flood and fire prone areas or areas that have become more exposed to natural disasters as a result of climate change,**
- ii. In areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change, and**
- iii. In areas that are threatened ecological communities or habitat for threatened species.**

The preparation of Local Strategic Planning Statements (LSPS) by councils has been a positive legislative requirement within the planning system, providing a link between State Government strategic plans and council local plans and strategies. The Hornsby LSPS acknowledges the special character and ecological and community values of the Shire and identifies how growth and change will be managed into the future.

The LSPS recognises that current climate projections for the Shire indicate warmer and drier conditions with more frequent droughts and bushfires. Extreme weather events such as storms, heavier rainfall, and more hot days each year are projected to become more severe over the next 20 years and we will need to work with our community to improve resilience. The LSPS maps bushfire prone land and high biodiversity vegetation as

constraints to development, with a view to ensuring that development minimises impacts in fire prone areas or areas of threatened ecological communities or habitat for threatened species. These should be recognised as constraints to development and the capacity of local government areas to accommodate growth.

Despite local level planning efforts, Council has had difficulty in protecting vegetation and threatened species due to the State Government's focus on the provision of housing and the complying development pathway. A Vegetation Planning Proposal which sought to map vegetation within the Shire did not get support for progression from the NSW Department of Planning. The Department has also recently raised concerns about the preparation of a separate Planning Proposal for Byles Creek which aims to protect the environmental, social and aesthetic qualities of Byles Creek.

Although the Planning Proposal has not been finalised, feedback from the Department in preparation of the Proposal has highlighted concerns about potential impacts on dwelling delivery although acknowledging it would be very minor (approximately 5 residential allotments).

On a broader level, planning and development decisions must be informed by the latest climate science and climate projections, for example, some development types, such as housing, are no longer appropriate or safe in areas that are becoming more exposed to catastrophic natural hazards due to climate change.

The planning system at the State level should take account of climate projections in the current push for additional housing. Similarly, the mapping of the exposure to natural hazards such as bushfire prone lands, sea level rise and flash flooding should be co-ordinated or more adequately supported by higher levels of government.

B) The adequacy of planning powers and planning bodies, particularly local councils, to review, amend or revoke development approvals, and consider costs, that are identified as placing people of the environment at risk as a consequence or:

- i. The cumulative impacts of development,**
- ii. Climate change and natural disasters,**
- iii. Biodiversity loss, and**
- iv. Rapidly changing social, economic and environmental circumstances.**

Council undertakes a merit assessment of development applications which considers development impacts, climate change, biodiversity loss and balances social, economic and environmental factors. The expansion of exempt and complying development pathways is not responsive to local environmental risks or associated evacuation management requirements. The one size fits all approach may assist in the accelerate the approval process. However, this is at the expense of detailed consideration of environmental factors which may vary between region, local government area or suburb.

The focus on additional housing supply and recent requests to local councils to prioritise the delivery of housing in its decision-making processes is of concern as it in conflict with a merit assessment which balances all competing economic, social and environmental issues to ensure suitable development in appropriate locations.

C) Short, medium and long term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions cause by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure.

Planning reforms are necessary to ensure that communities are able to mitigate and adapt to climate change. In the short-term, planning reforms are urgently required to mitigate climate change and reduce greenhouse gas emissions through higher BASIX standards and a clear pathway for development to transition to renewable energy sources, such as through phasing out new residential gas connections, as achieved in Victoria through amendments to the Victorian Planning Provisions.

In the medium term, planning reforms that enable development approvals to be time-based would build in greater ability to adapt to a changing climate. For example, in considering a parcel of land subject to sea level rise, it may be appropriate to build on this land within the next 50 years, but as sea levels rise in 100 years time the land may be uninhabitable. A time-based development approval could allow a building to be present until 2090 and require removal/re-evaluation of buildings and remediation of the land by year 2100. This would provide the framework for a form of “managed retreat” from sea level rise or other climate hazards.

In terms of infrastructure and the community’s expectation and need for homes, schools and hospitals, immediate planning reforms are required. Council is about to adopt a long-term masterplan for increased densities within the Hornsby Town Centre, at a major transport interchange. However, the planning system does not require alignment of State infrastructure delivery to support the expected additional 4,900 dwellings. Successful delivery of key outcomes of the Hornsby Town Centre Masterplan requires a commitment from the State Government to assist the implementation, funding and delivery of the Masterplan. Planning reforms that require partnership between State and local government to deliver housing in appropriate locations would ensure the community is not left worse off.

D) Alternative regulatory options to increase residential dwelling capacity where anticipated growth areas are no longer deemed suitable, or where existing capacity has been diminished due to the effects of climate change.

Environmental and climate change factors should be recognised as legitimate constraints to development and the capacity of local government areas to accommodate growth. Housing targets and State level strategic planning should account for areas that may not be deemed suitable or capacity has been diminished due to the effects of climate change. As discussed above, preparation for climate change should be led by the State Government with higher standards in State legislation such as BASIX. Local government does not have the resources to fund initiatives to address all climate change impacts. Further we do not have the flexibility to implement such initiatives through the planning system due to the overriding priorities for housing growth and the inability to surpass State legislation on energy, thermal and water efficiency.

Thank you for the opportunity to provide input into the inquiry. Should you require clarification on any of the comments above, please do not hesitate to contact my Executive Assistant, Kylie Smith me on

Yours sincerely

Steven Head
General Manager

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