

**Submission
No 73**

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

Organisation: Wilton Action Group Inc

Date Received: 3 November 2023



WAG SUBMISSION TO :

**Inquiry into the planning system and the impacts of climate change
on the environment and communities**

TERMS OF REFERENCE

That Portfolio Committee 7 inquire into and report on how the planning system can best ensure that people and the natural and built environment are protected from climate change impacts and changing landscapes, and in particular:

- (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

WAG response:

Wollondilly Shire has both flood and fire risks in different parts of the shire. This slide from Wollondilly Council's recent PPT presentation **Response recovery and resilience** is a summary of recent events

Wollondilly Has Experienced Compounding Disasters

- Green Wattle Creek Bushfire 2019/20
- 2020 Flood
- 2021 Flood
- 2021 Severe Storm
- 2022 Flood
- 2022 Flood
- COVID-19 Global Pandemic



Molino Stewart delivered to Wollondilly Council Hazards Analysis Emergency Management Study in October 2022. It was finally released after high public pressure in September 2023. It summarises these risks as follows:

2.5 Stage 1 summary

The key findings of the Stage 1 assessment include:

- The mapped **natural hazards** (see Figure 8) were identified as having relatively higher risks associated with them, particularly accounting for future **climate change** impacts.
- There is higher future **bushfire risk** related to the increased exposure (i.e., population growth) and additional conserved bushlands (i.e. Cumberland Plain Conservation Areas). This includes the Wilton and Greater Macarthur growth areas, as well as Silverdale, Bargo, Thirlmere, Tahmoor, and Picton. There are large parts of the western and northern parts of the Shire with no or low bushfire risk despite high bushfire hazard because there are no or few residential dwellings.
- There is considerable risk from both **overland and mainstream flooding** in Wollondilly Shire. Based on available data, current and future flood risk from the Nepean River is relatively lower than flood risk from Stonequarry Creek, primary due to exposure to residential dwellings. There are limitations in terms of available flood data for the entire Shire noting that this will be improved by a Shire-wide flood study currently being undertaken.
- **Heatwave** has been flagged as a hazard that will be increasing in the near future. There is relatively high current heat risk in Picton, Tahmoor, Thirlmere, and Bargo, as well as smaller areas with high or moderate risk in Menangle, Wilton, The Oaks, Appin and Silverdale. Future heat risk mapping shows that **urban heat risk** will increase across the Shire into the future.
- Future development will increase the population exposed to **earthquake risk**, particularly around Appin and Douglas Park.
- Residents and businesses in Wollondilly Shire are dependent on the reliable delivery of **services such as electricity, water, sewerage and telecommunications**. When occurring along with other emergency events (i.e., bushfires, floods), disruption to these services can magnify the emergency's impacts, depending on the duration, extent and nature of the disruption.
- **Road incidents** pose a major risk in Wollondilly Shire, as there are a number of road blackspots and potentially roads impacted by flooding in the Shire. Planned growth will see increased strain placed on the existing road infrastructure, with larger numbers of people using urban and rural roads. This will increase the risk posed by the identified road blackspots, both within and between towns.

From the summary above, it is clear that Wollondilly Shire is and will continue to face multiple high level climate and other risks which can result in cascading and compounding events. These will test not just the level of preparedness of individual ratepayers and landholders but also the co-ordination of the network of emergency services in Wollondilly shire. -as below

Networks and Collaboration

Wollondilly Shire Council is a part of several recovery and resilience networks:

- Resilience NSW Greater Sydney Recovery
- Resilience NSW Greater Sydney Health and Wellbeing Sub-Committee
- Resilient Sydney
- Wollondilly and Wingecarribee Bushfire Mental Health Steering Committee

Key partnerships and collaborations include:

- Resilience NSW
- National Recovery and Resilience Committee
- Community Links Wellbeing
- NSW RFS
- NSW SES
- Red Cross
- South- West Sydney Local Health District

Currently the emergency services are under great pressure from the lack of 'new blood' to be able to deliver optimal services and relief as the need for such is growing rapidly.

See: <https://www.theguardian.com/commentisfree/2023/oct/24/rfs-volunteers-firefighters-australia-summer>

Extract: "Our existing volunteers are growing older and fewer people are joining. The increasing costs of living and pressures of modern life all make it harder to find time, but we can't build resilience alone, we need work together. We need more volunteers and they need more support."

In terms of Wilton and its new developments WAG has major concerns in relation to bushfire and lack of climate change planning especially for Wilton South East (aka Wilton Greens). Our recent submission on the Risland Australia Neighbourhood Plan Wilton SouthEast Stage 1 presents these concerns below:

APZ – Bushfire risk assessment- WAG still has concerns about the level of bushfire risk for the Wilton SE site. Noting that a major insurer is now refusing for Wilton 2571 postcode due to bushfire risk and Council has still not, to the best of our knowledge, released the most recent bushfire risk assessment for Wilton SE. which was preceded by a previous assessment in May 2021 which had an estimate of 9 hours for a full evacuation of Wilton SE in the event of a major bushfire surrounding the Wilton SE site.

In terms of ensuring Bushfire safety, road network connections must be delivered fully, on time. Staging of intersections must not cause an overall delay in their provision by the lot they are supposed to be achieved by. This is to preserve public safety. This suburb is extremely vulnerable to attack by bushfire from the south due to the terrain and protected nature of the catchment lands that are to its south, and the steep cliffs of the Nepean River just over the hill. Extreme bushfire danger means that the entire suburb may need to be evacuated, and it is critical that these intersections are there to safely evacuate all occupants in a reasonable timeframe.

We are especially concerned that there may be delays where intersections are expensive to construct, but it is also vital that a lower performing lower cost alternative is not substituted in their place. Due to the nature of the speed and traffic volume on Picton Road, it is essential that the two bridges named in the plan at Janderra Lane and Almond street are delivered on time. These bridges must also allow pedestrian and bicycle permeability across Picton rd to ensure social cohesion between the 'four quarters of Wilton (bisected by the Hume Highway and Picton Road) are achieved.

This slide from the Molino Stewart HAEMS report shows the length of evacuation times for different parts of the Wollondilly Shire shows evacuation times for future population including Wilton which underline our concerns.

Evacuation Management: Bushfire

Population Centre	Main Evacuation Route	2016 population			Future population		
		Vehicles	Min. Lanes	Time required (hrs)	Vehicles	Min. Lanes	Time required (hrs)
Warragamba and Silverdale	Silverdale Rd	~930	1	1.5	~1,280	1	2.1
Nattai and Oakdale	Burratorang Rd	~470	1	0.8	~600	1	1.0
Buxton, Couridjah and Thirlmere	Wilson Dr/West Pde	~760	1	1.3	~820	1	1.4
Bargo, Pheasants Nest and Tahmoor	Old Hume Hwy	~1110	1	1.9	~1,360	1	2.3
Wilton West	Hume Mwy	0*	0*	0*	~3,960	1	6.6
Wilton East	Hume Mwy	~715*	1*	1.2*	~3,110	1	5.2
Appin	Appin Rd	~510	1	0.9	~9,670	2	8.1

9. Lack of a comprehensive green vision for reduction of urban heat island effect in design of Wilton SE neighbourhood. We note Risland's parent Chinese company Country Garden's green design projects in Malaysia: "By adopting a multi-dimensional greening system across applications from the ground to the roof, project directors and engineers succeeded in including a green area of 2.71 million square meters horizontally and some 256,000 linear meters vertically that helped optimize the efficiency of CO2 fixation in plants while reducing the urban heat island effect and the energy consumption of temperature control systems". <https://www.gnet.org/country-garden-publishes-its-2021-sustainability-report/>

The recent ABC Late Night Live story on the urban cooling of Singapore and comparisons with the heat island suburbs of western Sydney is worth a listen:

<https://www.abc.net.au/listen/programs/latenightlive/dunt-singapore-cooling-soft-power/102907554>

10. Given the elimination of over 3ha of forest on the site, it is imperative to insure the site will use an innovative green design like above to mitigate the urban heat island effect. See <https://www.sciencedirect.com/science/article/pii/S1618866721002934> This a groundbreaking study on how to make a green canopy far more effective in mitigating Urban Heat Island (UHI) impacts: From RMIT's Urban research Centre.

On issues of water supply and wastewater for Wilton South East we stated the following in our submission for the Neighbourhood Plan.

Water cycle management: Stormwater and detention basin design and recycled water:

Recycled water as per the Planning Report p.27: "Further investigation is required at development application stage to assess the ability of the development to comply with the WSUD Guidelines and IWCMS. This will include assessment of the impact of the proposed

WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

recycled water network that Sydney Water plan to provide for the Wilton Growth Area. The recycled water network forms a key component of the integrated water cycle management strategy for Wilton, as it serves (1) as a discharge for treated wastewater, rather than discharging to waterways, and (2) to reduce the demand for potable water.

While the presence of the recycled water network will benefit the future Wilton community, the ability of developments to comply with several of the requirements of the WSUD Guidelines and IWCMS will be affected. A balanced and holistic approach to water cycle management should be adopted that appropriately considers Council and Sydney Water requirements”

6. WAG is very concerned about the implications of the above statement which would have significant future costs by not implementing recycled water across the Wilton development. We have noted the extended delays on other new housing estates in timely provision of waste water infrastructure by Sydney Water. See:

<https://www.abc.net.au/news/2022-02-23/sewerage-connection-delays-sour-property-dreams-at-torana-estate/100847266>

At present the only solution is the trucking out of sewage from Wilton Greens and an estimate from Sydney Water of \$90-100,000 per block to provide waste water to new residents of Appin, an estimate subsequently heavily reduced, probably from developer pressure whose dealings with Sydney Water are generally subject to commercial in confidence provisions.

The Wollondilly Mayor Matt Gould made some very strong statements in May 2023 about the Appin development even calling into question its future as being a pipe dream:

<https://www.wollondilly.nsw.gov.au/home/latest-news/new-blog-post-11/>

Extract:

“The massive infrastructure costs of new greenfield housing on the outer fringes of Greater Sydney has been laid bare, with the required infrastructure contributions for water and sewer highlighting Appin housing may just be a pipe dream.

The new contribution scheme would most greatly impact the State-led fast tracking of the Greater Macarthur Growth Area, and the cost would ultimately be passed on to homebuyers.

Mayor Matt Gould said, “The reality is that providing infrastructure in new greenfield developments costs money, and ultimately someone has to bear the burden.”

“This report suggests that \$1.5 billion may be required just for water and sewer, plus \$1.3 billion for local infrastructure. That is not even taking into consideration the billions of dollars in other state infrastructure that is needed for transport, schools, hospitals and other essential services for these new communities.”

“We really have to question whether this project is too expensive and whether we should focus that money on areas that are already zoned and housing in metropolitan areas that already have basic services available.

“The NSW Premier is on the right track with his approach to the housing supply issues facing our state, with a plan to build affordable, social and universal housing on surplus public land close to

existing public transport hubs where possible. This would unlock housing supply in those areas where billions have already been spent.”

“When it comes to Appin, developers can’t afford it, the State government can’t afford it, and Councils definitely can’t afford it - so we have to question why it is this area is a priority for growth for NSW.”

WAG comment:

It is clear that the ‘sprawl solution’ for both Appin and Wilton will have a huge impact on not just new residents through no infrastructure and services provision for sustainable, liveable suburbs but also on the financial burden on the entire Wollondilly Shire residents. It is this total lack of such planning which has led WAG to dub this ‘psycho sprawl’ as it only concern is the bottom line for a developer by transferring the risk and costs to new residents and the local council. As WAG has stated previously: Wollondilly could well become the sacrificial lamb for Wilton and Appin

7. Risland Australia Neighbourhood Plan Wilton Greens/ SW cont’d:

Other water concerns: Any integrated water management system will be challenging due to the conflict between recycled water and IWMS strategies such as rainwater tanks, but again, this can be overcome by setting guiding principles that don’t prescribe how to achieve them, but define the desired outcome to be achieved. Objectives such as delaying the flow of stormwater wherever possible to prioritise permeable surfaces, increase infiltration and reduce velocity of flow to slow the release of water at every step from roof, road, path, park, etc. The mitigation should not be left to a pond at the edge of the development. Each impermeable area needs a permeable ‘sink’ nearby to direct and slow the off site effects. There are many elements that can be used to achieve this, such as rooftop gardens, permeable surfaces (or less impermeable ones), depressions which hold water for short periods to soak in, encourage urban permaculture design, rather than expanses of mown grass. Lower swale type median strips and edge treatments with drains set higher as overflow stations, rather than to remove every bit of water that falls.

Infiltration needs to be a design element of the entire system at every stage, an infiltration measure for every impermeable surface installed. Permeable cities are what is required to future proof this development, shown here (2 minute

clip) <https://youtu.be/HpQWWBG3bRA>.)

This is especially important as flooding may not be considered an immediate on site problem, with current climatic conditions, but it is already impacting upon the Hawkesbury Nepean which it discharges to, and the flow from this estate into that flood plain is essentially uncontrolled once its off site. Impermeable surfaces installed here have the effect of increasing flood heights for those on that downstream flood plain. Climate change effects mean that the extraordinary rainfall year of 2022, where we have had double our

WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

annual average rainfall in the first 7 months, will become a regular repeated occurrence in the life of this development and its occupants.

On TOR (a) pt iii – Threatened ecological communities and endangered species.:

Wilton sits within the Cumberland Plain which is home to many threatened ecological communities and endangered species: Koalas, many birds including the Powerful Owl and families of parrots, and others including floras, grasses and aquatic species. As Wilton South East also had core koala habitat in 2018 pre rezoning, the OEH advised the DPE not to approve rezoning until a proper plan of management was implemented. Needless to say this was overruled by then Planning Minister Roberts on 13 April 2018. On 30 April 2018, Wilton Action Group mounted a very powerful presentation by all the Committee at the Extraordinary Meeting of Wollondilly Council at Wilton. This led to Council unanimously adopting a resolution to withdraw support for Wilton New Town until satisfactory solutions were provided for major development issues including infrastructure, water and koala protection.

Subsequently WAG worked with the EDO to have Council release its Koala Deed of Agreement with Walker Corp which had been claimed as ‘commercial in confidence’. Much of the Deed was later incorporated into the Walker Koala Management Plan 2021.

However that Management Plan was to be subject to the Koala SEPP which has still not been finalised. It also claimed that no koalas had found on Wilton South East which was recently disproven by the deaths of two koalas on Picton Road near the Wilton South East land.

Now as we await the sign off on the Cumberland Plain Conservation Plan at Federal and State level, we understand that some initiatives are being progressed by Wollondilly Council in conjunction with the NSW Koala Strategy mapping koala habitat, koala acoustic monitoring, and displaying signage for road strike hotspots, Appin Road being a principal hotspot. Habitat restoration is being undertaken with Landcare at strategic locations around the shire, and advocacy is being undertaken for a koala care facility along implementation of Council’s Integrated Water Management Strategy to protect the condition of habitat corridors.

The recent announcement by the Federal Environment Minister for extra protections, not defined as yet, for the Allens Creek Koala Corridor in Wilton is welcome. However, a great disappointment has been the lack of response of TFNSW to WAG’s requests for updates on the main koala fence along Picton Road which is falling into increasing disrepair along long sections of the fence.

The overriding issue in terms of Wollondilly Shire is the declaration of a shire wide Strategic Conservation Area as the total offset for the Sydney Aerotropolis. This will have as yet unforeseen consequences on biodiversity conservation in Wollondilly as the declaration effectively prevents any further improvement by landholders of their properties over the next 30 years.

On biodiversity offsets, we refer to our WAG submission on the Committees Inquiry into the Integrity of the NSW Biodiversity Offsets Scheme for which we gave testimony to committee on 22 October 2021, which can be seen here: <https://www.youtube.com/watch?v=k3PGW-pYBCA>

Our more recent 2023 WAG submission to Ipart for its **Monitoring the NSW Biodiversity Credits Markets study is attached.**

- (b) the adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:
- (i) the cumulative impacts of development,
 - (ii) climate change and natural disasters,
 - (iii) biodiversity loss, and
 - (iii) rapidly changing social, economic and environmental circumstances

WAG response: (b) (1) Cumulative impacts of development

As Federal MP for Macarthur Dr Mike Freeland has asked WAG to amplify his call for a Royal Commission into NSW Planning below is his statement in full from The District Reporter of 18 August 2023

Quote from article next page:

“He said state governments are accepting what developers want with the proviso that these private businesses will contribute to the infrastructure. “But they never do.”

“I think we have subverted the role of government. Development should be in the hands of the NSW State government and not regulated to private developers.”

“Wilton, Menangle and Appin are disasters.”

Locally Owned

Est. 1997

The District Reporter

Free & Independent

02 4655 1234

Vol 26 No 15

Ph: (02) 4655 1234 www.tdr.com.au

Friday, August 18, 2023

MP doubles down on royal commission

Dr Michael Freeland is digging in his heels in wanting a royal commission into NSW Planning - the federal Labor MP for Macarthur said for the last 40 years developers have gained while communities have lost.

He cites Oran Park as a prime example and other greenfield areas.

The federal MP could remember a time when the state government had control of planning and built houses under Landcom, but in recent decades, building residential homes has been handed to private developers.

"Subsequently we have these ad hoc approvals," Dr Freeland said.

He said state governments are accepting what developers want with the proviso that these private businesses will contribute to the infrastructure. "But they never do."

He is sick and tired of the poor developments that have been given approval and the pressure from developers dangling a carrot, without delivering even the basic infrastructure. He said when these suburbs are built, retrospective infrastructure is then proposed by the state government.

"I find it offensive at Oran Park, there's a sign for the site of the new underground railway station [in the middle of a built up area]. It's ridiculous to have allowed the building on land that was supposed to be an area for a rail line."

He said Oran Park public and high schools are already filled to capacity - having to supplement classrooms with 40 demountables. "There's no fire station, ambulance or health care facilities. The planning is working for developers. I think we have subverted the role of government. Development should be in the hands of the NSW state government and not regulated to private developers. "Wilton, Menangle and Appin are disasters."

He said Appin Road has been put on the back burner despite rapid development happening at Mt Gilead close to Appin. The road was supposed to have been funded by developers. He said these businesses are making huge profits without taking on any of the responsibilities.

Dr Freeland said new growth areas need the basics from schools, health care centres



Federal Labor MP for Macarthur, Dr Michael Freeland at Oran Park where he believes basic infrastructure is lacking.

and public transport - preferably before the houses are built. He said developing greenfield areas without providing the infrastructure isn't planning. He agreed that development should be occurring closer to rail lines and infill. "I am not anti-development."

"There needs to be a state royal commission into the way Macarthur Heights next to the university [Western Sydney] was approved without community consultation. The roads are too narrow for emergency vehicles... Menangle is just as bad."

Dr Freeland was also critical of a lack of rail connection from the second international airport to south west Sydney. He said once again the region misses out.

State Labor counterpart and Campbelltown MP, Greg Warren, said he would support such a move. "I would always support my colleague, if it was of benefit to our community."

Appin which is now in Mr Warren's electorate is developing at a rapid pace. He said there is a backlog when it comes to housing which needs to be addressed. He said development in that area was in the pipeline for a number of years and the infrastructure and the road upgrade will happen. But conceded it could take 40 years and "not overnight".

He admitted that it wasn't ideal and said the community is feeling "uninformed and disengaged" when it comes to development in the Appin area.

Mr Warren said Lendlease which is developing Figtree along Appin Road said to put in a dual carriage way for only 5.5 kilometres it would cost \$170 million from St Helen Park south.

He added that the Labor Government recently introduced legislation that will force contributions from new development to be spent within the area where these homes are being built.

"Developers can't be let off the hook; in the past we have not seen this done adequately. I want to see the community invested into adequately."

Mr Warren said usually a royal commission is a federal issue. He said there have been several state royal commissions, but they dealt with corruption matters. "The state government more commonly uses upper house and committees into these things."

IF YOU VALUE STRONG, INDEPENDENT, LOCAL JOURNALISM, PLEASE CONTRIBUTE \$5 / MONTH OR \$50 / YEAR This region deserves credible local journalists on the ground who fact-check stories and provide simple explanations to inform and excite readers. After 25 years, Wombaroo Publishers will continue to distribute FREE, The District Reporter newspaper. To contribute by direct deposit: Wombaroo Publishers: BSB: 112 879 Account: 452 503 071 Please use your surname and postcode in the transaction description. E.g. Jones 2570. Please email editor@tdr.com.au or call on 02 4655 1234 for more information.



100% Australian Locally Family Owned & Operated
Caring for Men, Women, Babies, Infants and Children
Servicing Macarthur and surrounding Areas 24 hrs/7 days
Pre-paid and Pre-arranged Funerals

19 Sawmills Place, New Hill 4647 9294
26 Oakley Street, Campbelltown 4626 5666
www.macarthurladyfunerals.com.au



Every Friday
Tickets on sale from 4.30pm
Draw starts at 7.00 pm

TOMBOLA
THE RAFFLE WITH A TWIST

Assorted prizes, meat trays and fruit & veg trays to be won



Camden Sports Club

22 Cawdor Road, CAMDEN Ph (02) 4655 6757
INFORMATION FOR MEMBERS AND THEIR GUESTS
IS GAMBLING A PROBLEM FOR YOU? CALL G-LINE NOW. A CONFIDENTIAL, ANONYMOUS, FREE COUNSELLING SERVICE. FREE CALL 1800 855 855

The concerns expressed here by Dr Freeland MP are very much in alignment with WAG's consistent advocacy for five years on the shortcomings of the State planning for the Wilton Growth Area in relation to infrastructure design and delivery including potable water and wastewater, bushfire risks, environmental protection including threatened species like koalas, climate change impacts and adaptation planning for all those factors.

WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

Our concerns led to the collaboration of WAG with Guardian Australia on its February 2023 'Sydney's Growing Pain' 3 part series; The relevant Wilton article can be seen here:

<https://www.theguardian.com/australia-news/2023/feb/26/it-will-be-a-disaster-mayors-dire-warning-over-developer-led-housing-outside-sydney>

from

<https://www.theguardian.com/australia-news/series/sydney-s-growing-pains>

Following our repeated contact in 2018 with David Shoebridge when he was in the NSW Legislative Council his powerful 27 September 2018 speech about the rancid politics of Wilton development, informed by our research, can be seen here.

<https://www.facebook.com/wiltonactiongroup/videos/1447735998691087/>

Mr Shoebridge's final statement that 'we need to keep an eye on Wilton as something is rotten in South West Sydney' has now been fully backed up by Dr Freeland's statement above. Indeed the DPE has commissioned Department Secretary Kirsten Fishburn to investigate the recent Appin Walker Corp rezoning to insure that proper probity and compliant procedures were followed in the Appin rezoning approval.

We note the results of the Fishburn inquiry were revealed above on 2 November under NSW budget estimates questions from Cate Faehrmann Greens MLC:

<https://www.abc.net.au/news/2023-11-03/walker-corporation-probity-framework-appin-development-rezoning/103061758>

Extract:

Ms Fishburn told the hearing the report found no wrongdoing, but had led to the introduction of new probity measures.

"In addition to the review ... we have brought in a special probity framework to manage ongoing interactions with Walker Corporation and any meetings with Walker Corporation's representatives," she said.

Cate Faehrmann's response to this Ms Fishburn:

While Ms Faehrmann said she welcomed the new probity measures for dealing with Walker Corporation moving forward, she said the damage had already been done.

"This decision was made ... when the probity measures weren't good enough, so therefore revisit the whole decision," she said.

"This project will have huge ramifications for people of south-west Sydney, for biodiversity and koala habitat.

"There are allegations the infrastructure won't be there, it is just not the place to build a new suburb at this point in time."

Ms Faehrmann said she would apply for the new probity framework to be made public.

WAG comment:

Clearly Walker Corp has been given a real rap over the knuckles here (first ever?). And perhaps Secretary Fishburn should have also considered the eviction of Sue and John Gay, long term activists and koala advocates, from their Appin home of 35 years. It appears that following a 2018 election promise by former Wollondilly MP Nathaniel Smith to have their property resumed for a koala park, both the developer and Wollondilly Council may have colluded to progress that eviction in 2021 and establish a koala hospital to be funded by the developer Walker Corp.

TOR (b) (i) the cumulative impacts of development, more:

In all our submissions on Wilton South East Stage at both DA, and at Planning Panel presentations in September/ October 2019, we raised cumulative impact issues. Noting that there had been a Master Plan for Wilton New Town of 2015 with a short lived committee of developers and community representatives to deliver a comprehensive integrated plan for Wilton New Town which then dissolved in a race by developers to bring different zones of Wilton New Town to market starting in 2017:

See: [Draft Wilton Junction Masterplan - Wollondilly Shire](#)

From our submission to Wollondilly Council on the Wilton SouthEast Stage One DA of August 2018

A finalised and integrated master plan does not exist to bring together in a coordinated way, the six separately planned precincts in the new Wilton City. Landowners are planning these precincts in isolation of one and other. Utilities and social infrastructure coordination is very unclear, and there is no clear delivery plan of these functions. In addition, the orderly release of lots across the six precincts should be driven by the needs of the wastewater system and access to potable water supply, which to this date has not been communicated. How is it possible to rezone land when there is no solution to feasible supply of potable water?

Government Agencies have raised in public submissions a number of concerning strategic planning issues that remain unaddressed. These important, unaddressed issues will compromise the satisfactory achievement the SEPP's vision for a 'well-planned and well-serviced new urban communities'. These concerns include, but not limited to:

- ☐ protection of koala habitat,*
- ☐ non-existent integrated water management strategy for the whole growth centre and water quality base line data for the precious, intact river system*
- ☐ Water quality monitoring and conservation management arrangements*
- ☐ Non-existent public transport*
- ☐ Road infrastructure and traffic management*

WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

☐ *The false reality of the NSW government commitment that the development will be delivered at no-cost to government*

As of this date, most of these concerns have still not been fully addressed. Indeed at our recent 26 September meeting with Hume Federal MP Angus Taylor, we heard Mr Taylor express his dismay at the continuing disaster of planning for Wilton, which echoed our 19 May 2018 meeting with Mr Taylor in Wilton. Email extract of his response to our meeting notes of 19/5/18:

This is an important document of record we should all adhere to as Wilton New Town continues to evolve. A holistic, co-ordinated planning approach is key.

I agree, the meeting was very productive and the feedback fantastic. I am really motivated by local people who take an active interest in the future needs of their communities. When it comes to planning, governments (and developers) must listen to those 'on the ground' because they know the area, what's needed and where.

Keep in touch.

Cheers

Angus

From WAG statement to Sydney Western City Planning Panel of 2 September 2019

Point 2. – Traffic Management: This condition states that the impact of Stage 1 of the DA will also have as direct impact on the further future stages of the development. Again, why do the John Holland conditions not form part of the General Conditions of Consent of the DA being considered?

Point 7 Infrastructure within the rail corridor – Sub Point 7.2

“Council will be required to be responsible for construction and maintenance of the overbridge as it will be public infrastructure”.

WAG comments:

No costings have been included in the VPA or SIC for the provision of the infrastructure required to achieve adequate Road Rail interface.

It is of major concern that the TfNSW and John Holland’s proposed conditions have not been adopted.

This does not support the mandate of the proposed development having “no cost impacts on Local and State Governments”.

What is also significant is that this major infrastructure provider has stated that the impacts of Stage 1 to 6 of the Wilton South East be considered as a whole, not as individual stand alone developments. This claim by a major transport infrastructure provider is an indication that the dividing up of the Wilton South East into sections is not acceptable in providing adequate assessment of the impacts of the development. It indicates that assessment of this DA should also consider impacts of future stages. There are many aspects of the staging of this development that require further studies and assessment before the development as a whole can be considered and assessed as viable. The cost of maintaining the ecological areas has not been factored in to the VPA or SIC and could amount to large sums of money that cannot be borne by state government, council or local residents. At this point in time, this DA does not have sufficient information or studies to definitively determine that it will not adversely impact councils’ financial viability.

From the above it is clear that the current salami slicing approach of DA Stages is a major barrier to the detailed assessment of cumulative impacts. Strategic and integrated planning needs to be front and centre of any future planning priorities,

A recent decision which may have set an important precedent on a project’s cumulative impact being embedded as a mandatory planning consideration is that of the Independent Planning Commission in

WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

refusing the Dendrobium Mine extension application of South 32 Ltd in 2021. The IPC media release of its reasons for refusal on 5 February 2021 states: -

Extract from: 210205Dendrobium Extension Project Media Release at <https://www.ipcn.nsw.gov.au/cases/2020/10/dendrobium-extension-project-ssd-8194>

The state's Independent Planning Commission has blocked expansion plans for a major coal mine, near Wollongong, finding the proposed mine design risks long-term and irreversible damage to Greater Sydney and the Illawarra's drinking water catchment.

South32 Limited (the Applicant) had sought planning approval to extend the life of its Dendrobium mine until the end of 2048 and extract an additional 78-million tonnes of run-of-mine coal from two new areas near Avon and Cordeaux Dams. Most of that coal would be used in steelmaking here and overseas.

Significant concerns have been raised about the proposed mine design, subsidence, ground and surface water impacts, biodiversity and upland swamps, Aboriginal cultural heritage and greenhouse gas emissions.

A whole-of-government assessment by the Department of Planning, Industry & Environment concluded the \$956-million Dendrobium Extension Project was "approvable", finding its benefits "significantly outweigh its residual costs, and that it is in the public interest".

However, the Commission has today (Friday 5 February 2021) determined to refuse the state significant development application, finding the risks of adverse impacts on the environment are high, and that those impacts are not appropriately manageable and are likely to be irreversible.

"[A]fter careful examination of all the evidence and weighing all relevant considerations, the Commission has found that the longwall mine design put forward by South32 does not achieve a balance between maximising the recovery of a coal resource of State significance and managing, minimising or mitigating the impacts on the water resources and biodiversity and other environmental values of the Metropolitan Special Area," the Commission's Statement of Reasons for Decision reads.

"[T]he level of risk posed by the Project has not been properly quantified and based on the potential for long-term and irreversible impacts -- particularly on the integrity of a vital drinking water source for the Macarthur and Illawarra regions, the Wollondilly Shire and Metropolitan Sydney -- it is not in the public interest."

At the Special Community Forum as part of the Wollondilly Shire Council Extraordinary meeting held on 30 April 2018 at which Council withdrew in principle support for Wilton New Town, WAG called for:

Commissioning of a full hydrological analysis to determine the future adequacy of the water supply for Wilton New Town's projected population of 50-60,000 people - allowing for impacts of factors like climate change and future mine closures on that critical, limited water supply from the local dams.

WAG repeated this call for a full hydrological assessment for the Wilton New Town development at Community Forums at Wollondilly Council in 2019-20.

In its submission to the Independent Expert Panel on Mining in the Catchment, Water NSW gives some assurance on that with its preliminary work in assembling the stakeholders on a broad hydrological and hydrogeological study being started across the catchment. They recognise that it is a very complex and challenging task for the predictive modelling required but one that is vitally needed with the mining impacts now in overdrive across the Sydney catchment.

WAG fully supported Water NSW's total opposition to mining in the catchment where it will damage water quality and infrastructure. <http://waternsw.com.au/water-quality/catchment/mining>. It is worth quoting Water NSW's submission to the Independent Expert Panel that 'from the Water NSW viewpoint, the single most important consequence ... is that subsidence induced by the Dendrobium mine longwalls is likely to be resulting in significant diversion of surface water which would otherwise contribute to greater Sydney's water supply,' www.chiefscientist.nsw.gov.au/data/assets/pdf_file/000/200/2-WaterNSW-submission.PDF pp11-12

In its March 2020 submission, WaterNSW stated it "*remains strongly opposed to this project*", and raised concerns about impacts on Avon and Cordeaux Rivers which could adversely affect "*WaterNSW's ability to supply high quality water to its customers*".

The current cumulative contaminant loading in the reservoirs as a consequence of mining is not known, but would seem likely to be significant. The then SCA (now WaterNSW) estimated that between February 2002 and June 2011, 19 and 5 tonnes of iron and manganese oxides/oxyhydroxides respectively were added into Woronora Reservoir from Waratah Rivulet.

The Upper Nepean Scheme feeds the Macarthur area. It cannot receive water from the Warragamba Dam. Any proposal to push water back from Prospect Reservoir to Macarthur Filtration Plant compromises the sole source of supply of water for this area, which cannot be mitigated by a desalination plant as it is too far from the coast to be economically viable (water would need to be pumped up the escarpment, which is not economically viable).

The Upper Nepean Scheme, which lies above the Dendrobium proposal, also supplies water to Wollongong and Greater Sydney. It is currently being used to support the water supply from Warragamba dam which had been heavily impacted by bushfires, leaving the water quality heavily impacted and difficult to treat. This is likely to be an increasingly frequent occurrence with climate change. The water quality in other areas impacted by bushfire have taken two years to return to acceptable limits. That is two years that that this particular area of catchment will be required to support the water quality and quantity needs of Greater Sydney, for every major bushfire event now and in the future.

"Due to heavy rain on the Warragamba catchment shortly after the bushfires, there were severe concerns around impact that bushfire ash and run-off from the damaged catchment would have on water quality.

The NSW Bushfire inquiry found that WaterNSW successfully configured its water supply system to source water from alternative sources which helped avoid major impacts on water supply."

<https://www.waternsw.com.au/about/newsroom/2020/waternsw-experts-maintain-water-quality-for-sydney>

"During December and January, more than 320,000 hectares of the Warragamba Catchment was ravaged by fire. "

However, Water NSW has also made it very clear its deep concern for future water quality under climate change in its recent 2023 audit of the catchment:

WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

<https://www.theguardian.com/australia-news/2023/aug/09/sydneys-drinking-water-quality-under-threat-from-climate-crisis-report-finds>

Extract:

“Sydney’s drinking water is unlikely to remain healthy unless the effects of the climate crisis are mitigated, according to a report handed to the [New South Wales](#) government.

After a three-year audit, the scathing assessment of the city’s water supply also found seven of the 18 key indicators for the water system’s health were worsening.

The audit found climate change posed a risk to the city’s main water catchment providing adequate, good quality water to the greater [Sydney](#) area in the future.

Undertaken by Eco Logical Australia and Restore Environmental Consultants for the water minister, Rose Jackson, the audit looked at the health of the catchment between 2019 and 2022.”

So when combined with the Water NSW catchment audit above, the IPC decision could be a landmark precedent because with the hugely increased population in the Wilton /Appin/Macarthur Growth Areas in the next 20 years, a supply of high quality potable water will definitely require a commitment to fully recycled water to mitigate climate change impacts on the Upper Nepean System which will supply the Growth Areas. And the recycled solution also will be vital for waste water disposal into the Upper Nepean from Wilton developments which sit above the system critical infrastructure of Broughton Pass and Pheasants Nest Weirs. This was emphasised by expert witnesses like Dr Ian Wright at the second Regional Panel hearing for Wilton SE Stage One DA on 8 October 2019, which approved the DA, in spite of a deferred decision at the first hearing as a result of WAG advocacy on the inadequacy of any water and waste water proposals for the Wilton Growth Area . I’ve attached Dr Wright’s earlier testimony about the impact of the proposed second Sydney airport at Wilton on the Upper Nepean dams, concerns which also apply to the impact of the Wilton and Appin developments. Also attached is former NSW Water Minister Philip Costa speech to the Sydney Western City Planning Panel on 8 October 2019 about the water issues facing the Wilton South East Stage One DA.

Wollondilly Council is now at the point of whether to consent to any proposed infrastructure for water and other services as it is the consent authority under the Growth Centre SEPP. In 2020 and 2021, with strong advocacy from WAG, Council expressed its dissatisfaction with the non design and delivery of such infrastructure. This consent or refusal will have a high impact on future residents which may see large rate rises to meet the ongoing maintenance costs of stormwater and other infrastructure by Council.

Sydney Water’s current summary of wastewater planning for Wilton can be found here:

[Wilton Growth Area Update - planning.nsw.gov.au](#)

Water servicing and supply

Sydney Water has published their Growth Servicing Strategy 2022-2027 which highlights upgrades to the existing treatment plant in Bingara Gorge, construction of new sewerage pump stations, and water reservoir for the Wilton Growth

Area. Extensive planning has been undertaken and detailed design and construction commenced for the staged delivery of these potable water, wastewater, and recycled water services.

Sydney Water has worked with landowners to secure agreements for Stage 1 developments in South East Wilton and North Wilton, and future development in Bingara Gorge. Additional capacity is estimated to be available in stages by approximately 2026, 2031, and 2036.

Tor (b) (ii) Climate change and natural disasters

WAG response:

Following on from the above, climate change had a significant impact on the Upper Nepean water supply in late 2019 when the Cataract Dam was taken offline at the 25% capacity due to rapid evaporation and transpiration combined with what the Chief Scientist stated what were then the lowest catchment inflows on record.

Wollondilly then experienced the bushfires including the Green Wattle Creek fire and other deadly outbreaks in Buxton and near Tahmoor which led to a mass panic exodus on to Remembrance Drive which resulted in a total gridlock on that road. Fortunately a wind change that could have resulted in mass incineration of gridlocked residents on the Drive did not happen. This has led to high pressure for the Picton Bypass to be built to avoid such future catastrophes. It was at this time that Wilton experienced its record temperature of 47 degrees Celsius.

What will happen under an extended El Nino driven drought in the future when we have another 200,000 odd people wanting a normal quality water supply, not knowing that the local catchment has already suffered cumulative damage as per the IPC decision above, and which will be subject to even more rapid depletion from evaporation from even higher temperatures? There seems to be no deep planning to address these issues apart from Sydney Water's recent announcements about piping water back from the Prospect Reservoir to Macarthur, aka ProMac, whose original proposal was strongly criticised by Ipart in 2020 as not viable following a WAG submission on the proposal.

<https://www.sydneywatertalk.com.au/ProMac>

At the Council Community Forum of 11 February 2020, following the bushfires being finally extinguished WAG delivered its assessment on the need to implement a new approach to managing climate change for the Wilton developments:

First we want to pay tribute to those men and women who fought the fires in Wollondilly in the RFS and all the emergency services. They truly deserve the everlasting gratitude of all of us. It's a summer that no one will forget but it will also be remembered as the pivotal moment when the long predicted impact of the climate change became clear, even to those who have previously denied or downplayed its impact. And now we've just had the other extreme of that change with the rain, welcome as it is. But I submit this is not a return to normal but more evidence of the kind of extremes in Wollondilly and the wider world that we will now face in the future – increasingly hotter, drier for longer and more prone to wild extremes and punctuated with intense periods of torrential rain. Which will then create even greater damage on both new and existing housing and infrastructure through floods etc.

When we stood here at the last Community Forum on 2 December, we said that the Wilton Growth Area is not the same now as originally envisaged and could not be delivered in its current form, as

the climate crisis would be a game changer that would impact on every aspect of that project through no depth planning for resilience. Across environmental and financial planning, design and delivery of all infrastructure housing and services like health and Council's role in managing all those key aspects. Because climate is and will be a matrix impact force multiplier across most if not all the priorities listed in the Wollondilly 2040 Draft Local Strategic Planning Statement. We said Council will have to seriously review its growth strategy after the fires. We are living in unprecedented times and you cannot drive forward into the future for Wilton using the past development models of high density housing and sprawl for such high risk fire areas like Wilton. As the NSW Planning Minister himself said recently quoting Albert Einstein about sprawl - to repeat the same mistakes and expect a different result is madness.'

If you doubt these impacts are coming after the fires and the floods, you have only have to look at the increasing erosion and retreat of our coastline which is clearly visible from recent aerial imagery to realise that not only have the fires created a summer we will not forget but climate change may also create a future summer that we won't be able to remember. And Wilton is already being marketed as just 30 minutes from the beach.

We have presented this and related arguments to both Council and the Joint Regional Planning Panel about the lack of infrastructure like water supply recycling and toxic river impacts for a population increase that will double this Shire's population. and expose this Council to significant increased risks in both new assets and maintenance. As the Mayor himself said recently how much population can we withstand? Many societies have made the same fatal mistake with population outstripping resources. We have presented detailed analysis of the costs of this infrastructure and shortage of projected water supply for Wilton 2040 and have warned about the removal of key forest lungs like Cumberland Plain as clearly a disaster in the Wilton draft District Plan which emphasises 'developer flexibility'. Which means what the developer wants they will get. Climate is the last consideration in the draft DCP and Priority 18 for Sustainability in the draft LSPS. And the Green Canopy idea sounds like it will be a revegetation substitute for the critical existing forest lungs which also are vital for hydrology of the catchment for which the Council has custodianship for the local dams. If you want to avoid a major heat island in Wilton and a future water crisis, then take care of these existing forest areas because it will take years to grow any substitute if at all in such a hotter climate.

The response from Council has been that it has confidence that Wilton will not damage the Council's financial position even though this Council has the highest rates in the state. However by the time Wilton is supposed to be delivered in 20240 the population will be significantly older and most

vulnerable to not only the impact of climate change but to being unable to pay for increased rates. So can Council maintain that rates will never rise to deliver a development the size of Wilton – 60,000 people? We doubt it. There also legal liabilities of Councils in respect of climate change, for which I have an advice document for consideration here.

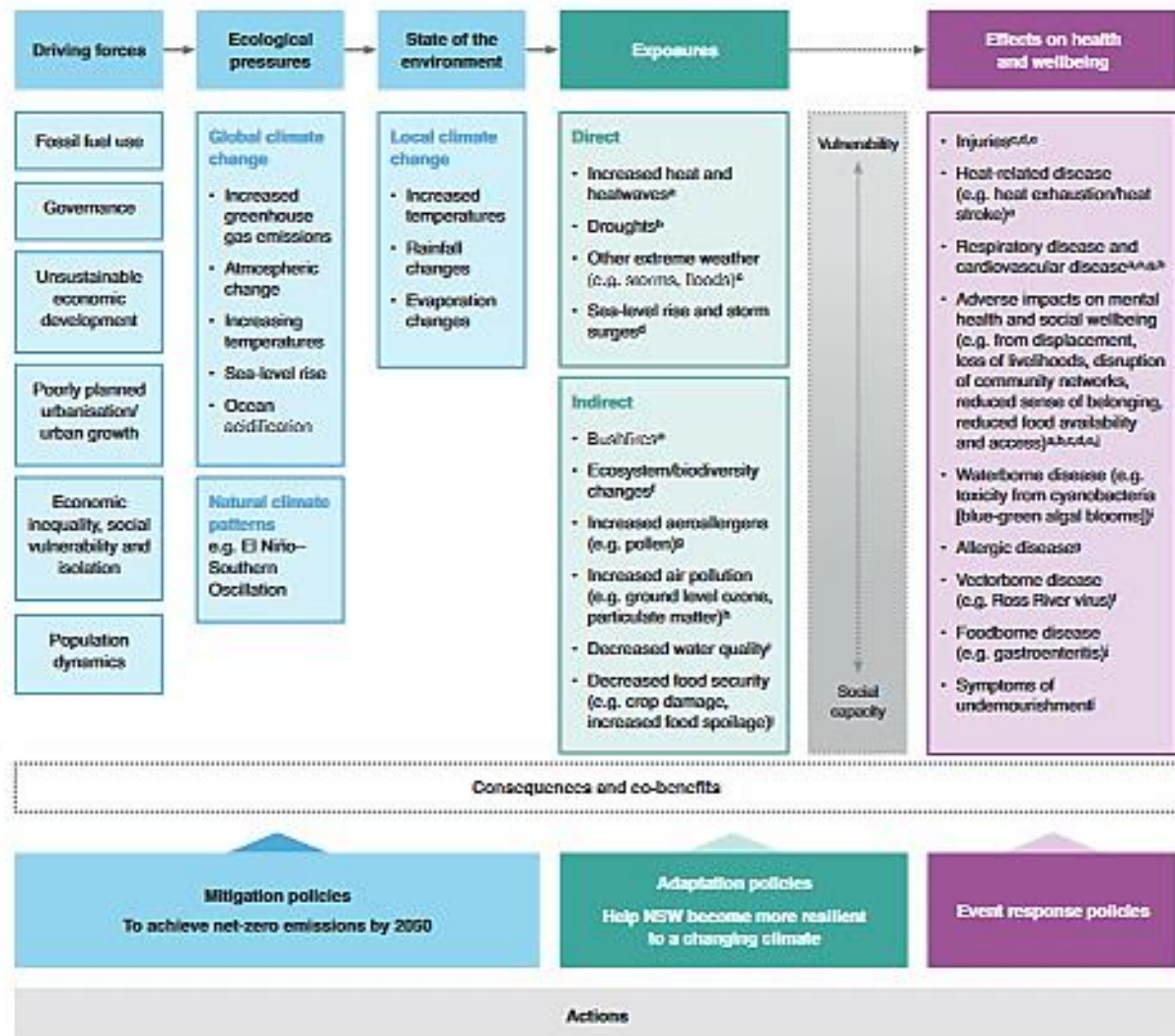
The response of the Planning Panel has been to just ignore all our concerns and those submissions of our key expert witnesses on water like Dr Ian Wright and koalas by the Total Environment Centre and approve Wilton South East Stage One DA, with the exceptions of Wollondilly Council Staff members who were on that panel.

We say this is nowhere near good enough and have made our views known to the CEO in a recent letter urging Council to file a judicial review of Wilton South East Stage One DA approval in the Land and Environment Court.

From Public Health Research & Practice December 2018; Vol. 28(4):e2841826 •
<https://doi.org/10.17061/phrp2841826A>

whose recent summary of the health impacts of climate change and their mitigation/ adaptation issues underlines the WAG points above.

Figure 1. Proposed conceptual framework for climate change impacts on human health and wellbeing in NSW



Note: Dashed lines indicate relationships between specific pressures and effects on health and wellbeing.

Landcom /WAG ongoing dialogue: North Wilton

A positive development in the Wilton development is the ongoing dialogue of WAG with Landcom about their North Wilton development. Following a community workshop in early 2022 (<https://vimeo.com/733906189>) Landcom invited WAG to visit North Wilton in September 2022. Before that visit, WAG submitted the Climate Adaptation Plan of the City of Flagstaff in Arizona USA as the best international practice for Landcom to consider for North Wilton as the Flagstaff CA Plan had been drafted in response to the devastating 20 year drought in the American South West (see ABC Foreign Correspondent report <https://www.youtube.com/watch?v=ooGeK4hPONQ>)

At our next meeting with Landcom on North Wilton in early 2023, Landcom presented a summary of its findings from a visit to Flagstaff and then delivered a comparative study of the Flagstaff CA Plan and the Landcom Sustainability Strategy – study attached. This will serve as baseline for the rollout of climate / sustainability strategies for the North Wilton development in the coming years.

Similarly at Council level, WAG collaborated with the Council Sustainability team on the finalisation of both its Integrated Water Management Strategy and Sustainability Policy.

TOR (b) (III) Biodiversity loss

WAG response: As per our previous evidence to the Portfolio 7 Committee on the integrity of biodiversity offsets:

On biodiversity loss and restoration WAG notes there were a number of significant issues needed now to address the Cumberland and broader offset integrity improvement.

- (1) Stage development to match delivery of offsets
- (2) No public land for developer offsets
- (3) No taxpayer subsidy of developer offsets
- (4) New conservation reserves not planting or revegetation
- (5) Scrap failed avoided land
- (6) And finally thoroughly review the Strategic Conservation Area declaration on Wollondilly Shire to clarify impact on landholders and biodiversity improvement projects on their land.

But it is particularly in the financial modelling and data transparency and accessibility that improvement in biodiversity offset integrity could be achieved to justify how averted losses can be calculated on land insuring they are subject to a no net loss policy and make explicit the rates of loss that are used when calculating averted losses. The value of integrating sound data collection and reporting systems with the implementation of policy should be an urgent priority. This is underlined by the BCT now having no public detailed data on offsets compared to the former Biodiversity Register

To implement sound policy requires the collection of consistent, quantitative data at each site and investment to regularly map changes to the area of native vegetation. Most data should be publicly accessible as per the current recommendation from the NSW Chief Scientist on improving water data integrity. However, what is currently lacking from this data is which conditions imposed upon developers were actually implemented on the ground. It was a requirement of the BioBanking scheme framework that government develop a publicly accessible spatial viewer of biodiversity conservation commitments. This is an obvious necessity to avoid offset double-dipping developing. Development began on this program. The Biodiversity Investment Spatial Viewer as it was proposed should be urgently introduced.

In terms of quality data to inform decision making WAG noted the recent shocking revelation of the massive six figure deficit in records uploaded to Bionet over the last four years and hopes this will be rectified asap. That this constituted a massive free gift to developers as stated by the TEC raises real questions over the approval of many large developments having been waved through without biodiversity data essential to a development assessment.

Improved internal procedures and conflict-of-interest management will do little more than sweep these issues beneath a carpet of public respectability. Restoring the greatest possible degree of public visibility on all operations of the scheme is the only way that misconduct, malpractice and outright corruption will be effectively contained in a scheme whose very nature is intrinsically vulnerable to interference from the highest possible levels.

Tor (b) (iii) rapidly changing social, economic and environmental circumstances:

With the potential for real disruption from climate change and economic in the next few years, Wilton and other developments appear to be continuing regardless, although dire economic factors have seen Country Garden, the Chinese parent company of Wilton Greens developer Risland,

pushed to direct the sale of Wilton Greens Stages 3-6. Who would purchase that package given the economic and other costs to deliver those Stages remains to be seen.

What is clear from the new NSW Labor Government is an urgent focus on housing supply by greatly increased densification of housing in previously no go suburbs in the north, east and inner areas of Sydney

<https://www.smh.com.au/politics/nsw/new-housing-density-zones-for-sydney-revealed-20231101-p5eglb.html>

and

Extract: <https://www.smh.com.au/politics/nsw/strict-new-rules-threaten-construction-of-thousands-of-homes-in-south-west-sydney-20231031-p5egfq.html?fbclid=IwAR1c1W TJUlv0A94hqcBX7GSCMRJQXv5CxJxNji9yB6mKIPAh-aAywBGad4>

WAG comments:

Conflicts of State and local government are now growing over housing supply as the recent Herald articles demonstrate. ExtractL:

The Minns government is wrestling with the dilemma of meeting ambitious housing targets and protecting communities from natural disasters supercharged by climate change.

On Sunday, NSW Planning Minister Paul Scully announced the cancellation of planned rezonings for about 10,000 new homes in Sydney's north-west at Marsden Park and Riverstone because of fears the developments would stop people evacuating the Hawkesbury-Nepean floodplain during a flood.

Now, Fairfield Council in south-west Sydney has released a report which claims the new rules for the Georges River basin to combat a worst-case scenario flood will stop at least 1000 new homes planned for the area going ahead.

The report shows that a years-long rezoning process to add housing density to the town centres of Fairfield, Cabramatta and Carramar has stalled after advice from a Department of Planning flood advisory panel that the proposal had not adequately considered evacuation routes during a theoretical worst-case scenario flood.

WAG comment:

How amazing that the DPE shows such concern for flooding now in the above when developments like Mirvac's Menangle project are going ahead on a large flood plain, and others like Marsden Park are now halted following the review of the 2022 floods across Sydney -

<https://www.nsw.gov.au/media-releases/risk-reduction-during-floods-hawkesbury-nepean-valley>

This has been reinforced by the welcome decision to permanently mothball the proposal to raise the Warragamba Dam wall.

WAG comment:

Councils will find themselves up against the State government on issues of housing supply as per this extract from the SMH article above: <https://www.smh.com.au/politics/nsw/new-housing-density-zones-for-sydney-revealed-20231101-p5eglb.html>

On Tuesday, the Herald revealed the government's flagship housing policy would include seven state-led precincts at transport hubs, and developers to be granted concurrent rezoning and development approval assessments to expedite planning processes.

WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

The yet-to-be announced policy would also include a push for medium and low-density housing in the outer rings of the rezoning precincts, another focus for the government.

On Tuesday Planning Minister Paul Scully wrote to mayors urging them to “immediately” begin identifying land for low and “mid-rise” homes.

[Sydney poised for priority zones to solve housing crisis](#)

“I am asking you to begin work identifying locations and permitting more low and mid-rise homes immediately,” Scully wrote in a letter to mayors obtained by the Herald.

In the letter Scully also warned councils not to slow down on approving new dwellings in the lead up to the 2024 local council elections, saying it was his “express view that councils should continue to undertake their legal responsibilities ... to make sure we keep up the momentum” on building new housing.

“We all have a part to play in delivering the National Housing Accord and a role in helping the next generation into homeownership or long-term rental,” he said.

The rezoning changes revealed by the Herald will complement reforms aimed at creating incentives for developers to build affordable housing across Sydney. The reforms are still undergoing consultation with stakeholders.

But they are also likely to place the government in conflict with local councils resistant to state-led rezoning proposals which circumvent their planning authority.”

WAG response

The big questions hanging over this are:

- (1) What authority will Councils have left to assess developments of a large scale and their impact on existing residents etc? They have already had their approval powers considerably reduced under the previous State government in 2018 for developments over \$5 million and then at then at the \$100 million plus level for State led developments but nominated by developers at the end of 2022.
- (2) Will there be a significant political backlash from the NIMBY no go suburbs now being opened up to new higher density developments?
- (3) Can the housing targets actually be achieved in light of economic supply chain issues, inflation and economic uncertainty from major international conflicts?
- (4) What really is affordable housing in an environment of ever rising temperatures making such high density developments potentially lethal heat island deathtraps? A purely economic definition of ‘affordable housing’ is no longer useful or sustainable.
- (5) Should we pause on this density approach as a major factor in the concentration of Covid transmissions was its spread through high density neighbourhoods? What will happen if there is an even more lethal pandemic in the near future, which medical experts predict is highly likely?
- (6) Given all the pressure that will just add to demand on Sydney’s water supply as shown in the WAG analysis above about the Wilton Appin Macarthur Growth Areas population increase surely there is serious doubt that the extra population ‘s demand for water will not be able to be supplied under climate change?
- (7) Finally, is it time to seriously reconsider current levels of immigration due to its growing negative impact on infrastructure costs, productivity and the environment. The recent analysis by Ross Gittins in the SMH is worth careful consideration.

<https://www.smh.com.au/business/the-economy/want-better-population-growth-cut-immigration-20231022-p5ee24.html>

Tor (c) short, medium and long term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure:

WAG comment:

1. It is paramount that all planning instruments need to recognise that climate change exists, to ensure any approvals take Climate change into account. If climate change is not considered in the planning proposal, it should immediately be refused (throw it back for resubmission with no appeal process).
2. We do not have time to wait for 'long term planning changes', climate change is real and happening. Everything should have been done already and we are now playing catch up. It's debatable if we can catch anything but that should not diminish our genuine concerted effort to fast track all changes to achieve a better outcome.
3. Carbon tax to reflect true cost of environmental choices. Incentivise the right choice eg green power.
4. Ratio of people to hospitals needs to be lower, need hospital services in new areas
5. Planning reforms to address postcode not LGA concerns, a decentralised system to ensure equitable access especially under travel restrictions (pandemic restrictions or blocked road and transport networks due to climatic or natural disasters)
6. Reworking max load demands for electricity infrastructure to accommodate requirement for air conditioning and heating loads in a changed climate
7. Reworking house planning requirement eg BASIX and NCC to ensure buildings perform as well as possible in self-regulating temperatures to cope with service interruptions to power during bushfire and other catastrophic events.
8. Building resilience into comms networks to not be reliant upon monopoly held assets vulnerable to fire and flood.
9. NSW should be proactive and not be the last state on board when new NCC initiatives are brought to the table. Stop powerful industry groups from reducing meaningful change to building codes. Step change to net zero should be prioritised and fast tracked.
10. See this article from the Fifth Estate: ***It would have been quicker and cheaper to go straight to net zero in the construction code – Neil Savery 5 October 2023***

https://thefifthestate.com.au/innovation/building-construction/it-would-have-been-quicker-and-cheaper-to-go-straight-to-net-zero-in-the-construction-code-neil-savery/?utm_source=The+Fifth+Estate+-+newsletter&utm_campaign=d14ea3a70f-newsletter_05_10_23&utm_medium=email&utm_term=0_5009254e4c-d14ea3a70f-44102857&mc_cid=d14ea3a70f&mc_eid=041817790b&fbclid=IwAR2c9tiKh5ZpHcNHCOV6ClhERF_lg-Unopw-c6y5qe8-u22SnM4ylw60eY

Extract: **EXCLUSIVE: “We should have baked in the highest energy codes into Australia’s building standards from the start instead of the incremental “slow creep” we ended up with, says the man who presided over the Building Codes Board for nine years.**

Australia lags the rest of the world in energy efficiency. It needs to stop inching forward to net zero and get serious about resilience as we head to severe climate events, according to Neil Savery, well known for his former role as chief executive officer at the Australian Building Codes Board.

Savery, who probably knows the industry dynamics better than most, says Australia is in its infancy when it comes to building energy efficient homes.

This from the Insurance Council of Australia: <https://www.theinsurer.com/news/ica-report-highlights-potential-a4bn-annual-savings-from-strengthened-construction-codes/>

Summary: ICA report highlights potential A\$4bn annual savings from strengthened construction codes

Strengthening Australia's National Construction Code (NCC) could reduce costs from extreme weather events by as much A\$4bn (\$2.53bn) a year, according to a report commissioned by the Insurance Council of Australia (ICA).

Tor(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

WAG comment:

- (1) Very concerned about the wording of this, clearly referring back to our comments on p18 above Tor (b) iii on densification in previous 'no go NIMBY' suburbs.
- (2) If houses cannot go there, then neither can apartments. Emergency services do not support apartment buildings in flood prone areas. Do not increase housing supply in zones that are not suitable for housing.
- (3) Building heights and floor space ratio increase should be considered in safe areas that are well located away from hazards and close to services, to ensure green spaces are not further reduced by building footprints.
- (4) Increase green spaces on tops and in middle areas of buildings (see Singapore for example as above p.4 . <https://www.abc.net.au/listen/programs/latenightlive/dunt-singapore-cooling-soft-power/102907554>
- (5) Increase public transportation and claw back road space for green space. Reduce car reliance. Again, see Singapore for a system that works: <https://www.bloomberg.com/news/features/2020-12-01/singapore-climate-change-reducing-heat-takes-trees-and-technology>
- (6) Collocate train stations and high density but have incentives for green landscaped spaces on, in and around buildings and paths to prevent the concrete jungle effect.

Conclusions: A Royal Commission into the NSW Planning system is needed

From all of the above, Wilton Action Group submits that the current NSW planning system is in need of an urgent review.

It is no longer fit for purpose for the delivery of 'public good' outcomes, as the wishes of private interests/ developers always seem to be the primary and often sole consideration in planning decisions. Environment is always seen as a cost burden to be minimised or in so many cases destroyed for the sake of the developer 'yield'.

It is time for a 'rewilding of the imagination' when facing the great challenges of climate impact and adaptation by communities and all levels of government. The legacy of decades of sprawl has created a mind set of 'same as it ever was' for the cosy cabal of developers and government.

This sprawl solution may have been a comfortably numb option to divert home buyers attention from the real costs of not pursuing innovative and necessary resilient, climate adaptive design and place making.

Therefore we agree with Federal MP Dr Mike Freeland that it is time for a Royal Commission into the planning system to undertake a thorough examination of planning systems and practices in NSW
WAG submission: Legislative Council Inquiry into the planning system and the impacts of climate change on the environment and communities - PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

to insure far more transparent decision making and equitable burden of costs to be borne by proponents for development, as opposed to the current kick the can down the road approach on vital infrastructure delivery.

If corruption is suspected or proven in such a Royal Commission inquiry, then such conduct to be referred to the relevant investigative authority like ICAC.

And it is no longer good enough for planning bureaucrats to hide behind the flimsy shield of inadequate 'community consultation'. As Hume Federal MP Angus Taylor said to WAG (p.11):

When it comes to planning, governments (and developers) must listen to those 'on the ground' because they know the area, what's needed and where.

We can see that new state Labor government has made a start on attempting to halt the further focus on sprawl as the perpetual solution for housing supply in NSW. But there is still a long way to go. For some assistance on what a new planning approach might look like, below is a look at how two Labor State governments in Victoria and Tasmania attempted to design a new approach to planning 'with the community' as opposed to 'for the community'

See the 2007 Paper from the Australian Journal of Public Administration : **New Governance, Green Planning and Sustainability: Tasmania *Together* and Growing Victoria *Together***[†] pdf attached and link:

<https://onlinelibrary.wiley.com/doi/10.1111/j.1467-8500.2007.00511.x>

Wilton Action Group would welcome the opportunity to address the Committee on this submission.