

**Submission  
No 103**

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

**Name:** Mrs Fiona Bullivant  
**Date Received:** 3 November 2023

---

## Personal Submission : Planning system and the impacts of climate change on the environment and communities

My name is Fiona Bullivant and I have lived in Wilton for 28 years. We are at the forefront of some of the poorest planning this state has ever seen. I am not anti development, I am against poor planning outcomes. I have tried my hardest and done many submissions and was a founding member of a local action group, of which I am still an active member. This however is my personal submission as I feel very passionate about several of these issues. If only all we had suggested and provided feedback on had been taken into account. If only they didn't just dismiss our concerns, and "excuse them away" or "summarise them into nothing". All these concerns are now coming to fruition - it is like watching a train wreck. If only someone had listened, and stood up to poor planning. I'm hoping this Inquiry will prevent further "if only's".

TERMS OF REFERENCE are in bold italics, with my comments following.

***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***

Comment :

A great many rezoning proposals (especially in Wilton) were made by a 'captains call' by the Minister of the day. This power must be removed, as it prevents good planning. Ministers calls, deciding on rezoning, makes rezoning into a political game. The developers already have too much influence politically, and the environment and the community come last - or in some cases are entirely overlooked. There were many reports that did not support this rezoning. Ministers should not be able to overrule these concerns raised by their own government departments. You cannot get habitat back after it has been bulldozed. The protection of biodiversity has to happen prior to rezoning - and offsetting is not protection, it results in a net loss. There is no reason to provide "certainty for developers" - that wont protect the environment. The Cumberland Plain Conservation Plan is a plan to destruct critically endangered ecological communities, not protect it. If developers cannot find a way to develop in an environmentally friendly way, they don't need to develop at all. We are at crisis point on all fronts in terms of Climate and Biodiversity loss.

There were a great many negatives to rezoning at Wilton and Appin, and yet they have both gone ahead. These developments are effectively two new towns the size of Port Macquarie! Just about every planning problem you can name exists in these areas. Urban heat (max temperatures up to 48 degrees in undeveloped areas, and increasing annually - likely much higher in the new development sites), bushfire, flooding/water provision asset damage, lack of raw water supply to provide sufficient potable water for the planned population, close proximity to critical water supply assets, explosion risk due to trunk gas mains, compromised health outcomes from exhaust emissions due to highway and major road bisection of planned suburb (Wilton), constraints such as sandstone cliff lined gorges preventing timely evacuation and prohibitively expensive road bridge options (which likely will not be built, further trapping residents with gridlocked roads during

bushfires), mine subsidence, historically significant buildings and landscape, significant disease free and expanding koala population, aboriginal history, artifacts, cave paintings and massacre sites, and large tracts of endangered ecological communities. Poor outcomes will be enormously expensive to overcome (if it is even possible). Ban minister's discretion in approval of rezoning against departmental advice. Recent planning changes (TAP program) appear to have made the planning process even less publicly accountable, further removing the community and the environment as stakeholders, and further facilitate poor planning outcomes with insufficient preparatory work to determine the viability and constraints of what is effectively a new city. Time spent planning is time well spent. There needs to be an evaluation of suitability up front - many areas are now not suitable due to the above constraints.

Overall, we have found that government employees, especially at senior levels, would prefer community not be involved in the planning process, but community know the area better than the planners, as they have lived experience. They can add great value to planning outcomes. They can identify problems before they eventuate. If only someone was actively listening (rather than just "ticking the box" of consultation). If only there was not a state of learned helplessness in government employees who feel they cannot do or say anything even when they agree the community is right. Open transparent honest governance with a strong moral code, is severely lacking. I'm sure there are government employees with it - they've likely been frightened into silence, and are not allowed to talk.

There needs to be an upswell of morality and empowerment to get this monstrous system back on track. Anyone at any level should be able to call into question stuff that is just not right without being threatened. That is not happening. People are scared. They keep working to affect what they know is not right. Developers are influencing the process on every level - both public and private, they practically write their own rules (one developer even told me I should 'write some for them') their fingers extend into government, educational institutions, sporting bodies, the list goes on. The system has been influenced to such an extent that it is what I like to term "legally corrupt" they are working within the system, but the system no longer provides the needs for the future, the community or the environment. They are enormously strategic. Proposing great things, then they cry poor, modify applications to reduce costs, and thus reduce positive outcomes. They challenge decisions that don't go their way in Land and Environment court (locally known as "developers court").

People need free access to the risks of investing in an area. If there is likely an 11 hour bushfire evacuation time, there should be a duty of care to disclose such facts before they commit their life savings to a block of land in that area. Much of this information is difficult to find, or not publicly available. It is certainly not in the glossy brochures.

***(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***

Comment:

Councils have no power to revoke planning decisions made by the state, and the state has made these decisions largely because councils were saying no (for good reason, the land was not suitable for development on many fronts). State does not have local knowledge, and politicians

have too much sway in the planning process. Planning rules have been changing for the wrong reasons. There is no tracking of already rezoned land that has not been brought to market (there is lots, developers constrain supply to create a competitive market to keep land prices high), and no scientific understanding of what really constraints housing supply. The Environment, Community and future residents must be placed above all other needs in the face of climate change and natural disasters. This must occur at the start of any planning process. Greenfield areas brought to market led by developers is not delivering the right development in the right places.

There is no cumulative impact assessment in the planning process - for we would not be putting more people in the Greater Macarthur and Wilton Growth areas, due to lack of raw water resources to provide potable water. This area only gets water from the Upper Nepean dams (not Warragamba), and dam levels dropped to below 30% in the last drought and that was with the current population. They've rezoned for hundreds of thousands more people in the Greater Macarthur, Wilton and Appin areas, with further rezonings on the horizon, but alternative water supply planning has not significantly progressed (no publicly available environmental approvals for new water supplies of any type).

There is a terrible inequity here - it will be Sydney Water customers who end up paying for the massive trunk infrastructure and large scale treatment facilities with enormous energy costs to get alternative water supply to this area that is too far from the coast to reasonably cost efficiently provide desalinated water. Sydney Water in the planning proposals consider distribution of the water, and say that they can service the new estates (under commercial agreement usually as out of sequence development) but that does not consider if there is adequate water in the catchment to serve the overall population of the Upper Nepean Supply zone. Water NSW have commented in the past "subject to augmentation" but have not significantly progressed or approved plans to augment in a meaningful way for hundreds of thousands of people. The minister has changed some of the responsibilities to try to fix this (Sydney Water appear to have to consult / direct Water NSW) but there seems not to be significant progress to approved proposals for augmentation, yet development continues at a rapid pace, and "future rezonings" get approved before elections (Appin) with inadequate studies to determine if they are viable or suitable. We are approaching a monumental disaster if we have another few years of drought (which is a common, and likely event)- EVEN WITH THE CURRENT POPULATION.

In terms of commitments on biodiversity etc, There is insufficient money given to councils to do any checking or monitoring of what developers should be doing or providing. There have been E2 lands committed as part of these urban sprawl estates, and supposedly money allocated for their maintenance, yet there is no oversight of the funds or what they may or may not be being spent on. This needs to be publicly accountable and visible, with staff dedicated to its oversight, you cannot leave the fox (developers) in charge of the hen house (E2 lands) eg Bingara Gorge E2 lands - nobody knows where the money is or who would be in charge of spending it. Council do not have the staff or resources to check up on it. This opens up avenues for non compliance and environmental degradation on the peri-urban fringe going unnoticed, unpunished, at great loss to the very biodiversity and threatened species habitat it was supposed to protect . Enormous amounts of money was supposed to be devoted to E2 lands in Wilton (the undevelopable steep ravines in between the houses that are vegetated with endangered ecological communities but will provide enormous "wicks" for bushfire encroachment on urban development and pose an enormous threat to life in the event of a bushfire). Where is this money? Who has it? What is being done to maintain and improve these areas, and ensure they are achieving their biodiversity purpose? There is no system to check. Council is hopelessly underfunded and shackled with State

continuously palming off their many initiatives down to council to administer - with what? No additional funding for compliance staff. Council staff are in despair.

Overall, it seems that if councils are looking at compliance at all, it is directed towards the poor old "Mums and Dads" and not to the real environmental rapists - the developers. This is likely because those business practices are long held, familiar and neighbourly complaints must be acted upon. Its not going to save the planet, that one tree your neighbour cut down. We need to focus on habitat destruction, and better planning on a big scale - not tiny individual blocks. WE need to inspire local small block owners to move towards more ecologically friendly gardens (less lawn, more habitat, more urban heat mitigation) - move to a proactive change mentality with incentives, not just a regulatory stick for the odd wrong doer. This what should be in the neighborhood plans - that you need a garden based on permaculture design, that you need to optimise passive solar orientation, that you need to externally shade east and west windows with vines. In reality what they contain are nonsense fluff that is all about appearances and looks and 'fitting in', nothing to do with saving the planet or reducing urban heat (white rooves are not enough). Many people are so removed from the environment and so poorly educated about design and ecological principles, they don't know any better. These suburbs which are all house no garden are devoid of meaningful social connections, and therefore devoid of resilience in the face of disasters, for it is the people that save the people, we do not have enough fire trucks for every driveway, nor enough SES tinny's for every flooded house.

***(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***

Re-prioritise the hierarchy, put the needs of the environment and the community first. Stop housing being so influenced by politicians and political safe or not safe seats. A radical rethink of how we do everything going forward is required. I'm not sure that the people heavily invested in the current system will cope with the change, but we need to rip the bandaid off and recalibrate as soon as possible. The developers, and the industries that flow on from them (building and construction, as well as suppliers) have a standard urban sprawl formula that makes money, and its their comfortable safe space, but it is not environmentally sound or producing resilient housing. There is a whole investor market that has popped up that buy multiple urban blocks, build houses and re-sell. Everyone is making their pound of flesh off the hapless home owners of the future. If you get too many investors theres no push for any facilities in the new estates - as they don't care, they're in it for the dollars. At Wilton we even had people turning up to community consultation evenings wanting to know if they could jump to the head of the queue for blocks in the first release if they participated - one fellow wanted to buy 4 blocks, build houses, but not live in any of them! The whole system is profit driven, at every level. This does not produce good environmentally sound resilient developments. The value uplift of rezoned lands developers currently pocket must be captured by tax as soon as possible. You need to stop the urban sprawl being so profitable. Capture that value to use on infrastructure and resilience measures. As it is, some developers rezone and sell to other developers - running off to the next project with the value uplift. This is leaving new estates that are expensive to build and service in the hands of "development partners" that are likely to go bust trying to get the stages to market, as they don't have the \$\$ from the rezoning behind them. The system is so, so broken.

Push the national construction code (NCC) to go the whole hog and commit to high standards now to ensure a resilient future building stock. It needs to be as environmentally friendly and efficient as possible. It needs to be accessible and future proof. Enough of the piecemeal industry

objections which have led to stepped changes, delays etc - this achieves little (other than placating powerful lobby industry groups), and it is more costly for businesses to administer in the long run than making a full change now. Someone needs to fund adding environmental building methods into the NCC to enable easier building with rammed earth, straw bale and earth bags - all of which are near neutral, or carbon sequestering options, none of which are available in the current 'normal' building stock. Then, publicly fund courses for people to learn to build this way. There are other countries that have started down this path, use what they have already done or nearly done. Don't let the perfect be the enemy of the good - get something in there pronto. Embodied carbon and climate resilience can be built - but we aren't currently doing it because its still too hard. Make it easier to do the right thing. Make it harder to do the 'usual' (but no longer fit for purpose) thing. Heck, you could relax the controls to make all progressive environmentally exemplary building methods complying development if you want (as opposed to the trashy poor housing designs with not an ecological / carbon neutral bone in its body that currently meets the current complying development!).

Allow people to rebuild after bushfire disasters with strawbale and earth structures so they can get into some shelter fast. We have people waiting years for housing, they need to be able to do some of it themselves to speed the process up. Then community volunteer organisations can come on board similar to the Blazeaid volunteering model (of which I am a regular volunteer) which helps with fencing after bushfire, a similar volunteer model could be used to help build earth or straw buildings after fires. Resilience is about community, not government. Governments need to enable, not do it themselves. They need to allow more flexibility and ingenuity in terms of solutions that are community driven - get rid of the 'red tape' for this sort of thing. You (government) just don't have the resources to do and approve it all yourselves - that has been proven in the latest rounds of fires and floods, people are still homeless and in temporary accommodation years after the disaster. Having earth and straw built structures as temporary or even permanent replacements to get people into houses in their community, on their land where possible, will keep social connections, and build new ones with teams of volunteers and prevent the feeling of being on 'government handouts'. It allows the rest of us who are not affected by the disaster but watching and wishing we could help out an avenue to do so. If you are not familiar with how Blazeaid works, check it out, its a great team building atmosphere with shared meals, a base camp, toolbox talk each morning for safety and vehicles, tools and training provided.

***(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 (e) any other related matters.***

There are plenty of Mums and Dads that have a bit of land that could house people (family and friends, and other like minded individuals) in tiny houses or small environmentally friendly dwellings, giving them a start in life. Planning rules prevent us from doing so. We ourselves have 25 acres of bush and paddocks, and could easily host 6 tiny homes, out of public view, or straw bale / rammed earth built granny flats with excellent passive solar design and bushfire resilience, based on environmental living and permaculture principles. But our land has been slapped with the "Metropolitan Rural Area overlay", supposedly to preserve the rural character of the shire (but we suspect its more related to reducing future value for potential developer purchase), and now they think our land is needed to offset massive urban development biodiversity with some sort of environmental "strategic conservation area" on the map that they've neither consulted nor informed us of slapped on most rural privately owned areas of Wollondilly (notably not applied to any developers land). It is the Mums and Dads that can think outside the box and give you significantly different housing outcomes - the developers don't want to do it, they dont care what it looks like or what its like to live in! We desperately need to create something better than what the current

market is providing. These alternatives need to be made easier - low impact, housing with natural materials and passive solar design should be the norm, but it isn't. It must be too hard to turn it into a squillion dollar industry and big corporate profits...  
---The end--- (thanks for reading)