

Submission
No 135

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

Name: Name suppressed
Date Received: 3 November 2023

Partially
Confidential

Comments - TERMS OF REFERENCE of the Committee

Comments are provided under each of the terms and are shown in italics.

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,

COMMENT

There is a need to make it clear what land is suitable to rezone for development. For example, should land within the Probable Maximum Flood areas even be considered?

(ii) in areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change, and

COMMENT

Rising sea levels and coastal erosion is not relevant for our local government area. The data on areas that are vulnerable to drought conditions is not well known or available or required to be specifically considered in rezoning land for development or for land subject to a development application. This aspect is not specifically called out in the current planning legislation for rezonings or development assessment. This is an opportunity to improve.

(iii) in areas that are threatened ecological communities or habitat for threatened species

COMMENT

There has been an ever evolving and increasing legislative requirements for considering TECs and habitat for threatened species. It is not clear from a local level whether it is actually making a difference. The concept of biodiversity certification is a step in the right direction, but it can be a cumbersome and expensive process. The availability of detailed and accurate data at a local government level is limited and expensive to obtain. This information is needed if there is to be a real difference made in this area.

(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,

COMMENT

The refusal of a development for cumulative impacts is rare. It is also difficult to obtain the data to prove a cumulative impact. The current planning legislation, its implementation and the guidance does not allow this aspect to be fully explored.

(ii) climate change and natural disasters,

COMMENT

There is a well-established practice of preparing floodplain risk management plans and Bushfire hazard mapping that allows for these risks to be considered in the assessment of new developments. The costs associated with the risks and the consideration of these costs in development applications is not covered well, if at all, in the NSW planning legislation.

(iii) biodiversity loss, and

COMMENT

The biodiversity legislation in NSW has a process to consider loss and some ways to offset this loss. However, it is not clear how successful this is in limiting biodiversity loss in the whole landscape.

(iii) rapidly changing social, economic and environmental circumstances

COMMENT

The legislation and planning processes are very slow to change and are now also difficult to navigate with the numerous layers of approval pathway processes and interrelated legislation.

(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

COMMENT

The reforms need to be supported by funding. The options to mitigate and adapt including removing people from the increasingly high risk areas need to be funded. The difficulty with the property buyback scheme for floodprone properties is also something to be explored for a more effective process. The displacement of those from these areas also needs to be considered before the planning reforms are prepared.

The matter of water security for existing communities is also something to be considered in the planning reforms. The ability to ensure adequate supply is limited in many communities with the impacts of climate change.

(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

COMMENT

These options are only effective where the associated infrastructure and facilities are available for the increase in dwelling capacity. This includes water, sewer, road, transport, recreation and community facilities. This is an issue for many towns where aging infrastructure requires review and upgrading. The increasing costs for local councils is a significant issue in being able to explore further growth and needs to be acknowledged and addressed.

(e) any other related matters