

**Submission  
No 158**

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

**Organisation:** Randwick City Council

**Date Received:** 7 November 2023

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Ms Sue Higginson MLC  
The Chair  
Portfolio Committee No. 7 Planning and  
Environment  
Parliament House  
6 Macquarie Street  
Sydney NSW 2000

07 November 2023

Ref No: F2013/00140

Dear Ms Higginson,

**RE: Parliamentary Inquiry - planning system and the impacts of climate change  
on the environment and communities**

Thank you for the opportunity to comment on the Parliamentary Inquiry under Portfolio committee no. 7 – Planning and Environment.

Council supports the intent of the Inquiry to review the planning system to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions. Council has reviewed the terms of reference, and this submission outlines a number of issues that are relevant to Randwick City that Council would like to see considered as part of this Inquiry. Council's response is structured in line with the key aspects of the terms of reference as follows:

**a) Developments proposed or approved:**

The number of developments that will be exposed to natural disasters as a result of climate change is expected to increase in the future. The predictions of the extent and severity of climate change are continuously changing therefore the system needs to be agile and responsive. At the local government level, this requires adequate resourcing of skilled environmental officers in the planning system to ensure the life of a project is taken into account and it is not just based on current environmental conditions. In this regard, the following concerns should be considered:

**i) in flood and fire prone areas or areas that have become more exposed to natural disasters as a result of climate change,**

On average, floodplain management process which incorporates a flood catchment study, can take up to four years for a council to complete given the regulatory and technical processes including procurement, public consultation/feedback, property tagging and risk management study. Within the Randwick LGA there are 7 separate catchments which have been studied progressively and considerable resourcing is required to complete this work. With constantly changing rainfall parameters, catchment conditions and sea level rise predictions, more regular review and update of flood studies will be required to ensure they are based on up-to-date modelling, assumptions and parameters. While funding for each flood study and plan is

available from State government grants, it will only become available when studies are formally commenced for each catchment. However, as mentioned earlier, each flood study is resource intensive and, in particular, there is only a limited number of trained staff in Council to commence and complete flood studies for grant funding to be effected. Given the importance of having robust and responsive flood management data, it is essential that a more steam-lined framework, underpinned by smart technology and State funding, be investigated as a matter of priority.

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

In terms of dealing with vulnerability, the preparation of Coastal Management Programs (CMPs) is resource intensive and very few councils have been able to achieve a Minister-approved CMP. To ensure efficient use of resources, Council collaborated with Waverley and Woollahra Councils to prepare a regional sea level rise hazard risk assessment which was completed for the eastern beaches' region in late 2021. The projected impacts of sea level rise across the region over a 100 year time-frame up to 2120 has been mapped. This project was undertaken as State Government data on sea level rise projections is no longer available. Councils are now required to individually develop their own projections which are a key requirement before they can complete the next stage of the process being the hazard risk assessment process. Therefore, an important outcome for sea level rise assessments is the provision of reliable and regular sea level rise projection data with the State taking a leading role to address such a critical aspect of environmental vulnerability.

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

Given increasing climate change impacts, it will be necessary to improve the resilience of biodiversity and natural systems. This should be a key consideration in mitigating the impacts on threatened species and ecological communities and adapting to the conditions caused by changing environmental and climatic conditions.

Climate change impacts should then have greater especially in regard to:

- predicted impacts on species and ecological communities
- provisions to support and enable adaptation to changes in environments
- the impact of developments on contiguity of habitat area
- key corridors to connect areas of core habitat
- provision of climate "refugia" (i.e., areas that remain relatively buffered from contemporary climate change over time and enable persistence of valued physical, ecological, and socio-cultural resources) at the local level,

This should provide a focus and direction on protection and recovery of threatened species and ecological communities in a changing climate with a critical emphasis on survivability of endangered species.

**b) the adequacy of planning powers and planning bodies for local councils, to review, amend or revoke development approvals**

**i) the cumulative impacts of development,**

Site specific requirements for developments can often lead to offsite impacts that are not assessed on a cumulative basis. For example, decreasing site permeability or raising site levels

in development sites can, cumulatively, put additional pressures on surrounding infrastructure and can result in increased offsite flood levels in surrounding sites or downstream areas. Specifically, raising ground levels across the full extent of a development site above and beyond surveyed ground levels established in the previous investigations have been known to affect the flow and movement of flood waters in the wider local area.

**ii) climate change and natural disasters,**

The inquiry should review existing provisions in the Environmental Planning and Assessment Act relating to revoking of development consents in the context of sites that are high risk such as flood affected sites or areas predicted to be inundated by sea level rise arising from climate change. It is challenging for Councils to revoke consents which requires consideration of whether or not “physical commencement” has been undertaken for these developments and whether valid consents exist for these developments especially where such development consents may have been issued a long time ago.

The only other means of redress is for Council to acquire these sites which would be beyond Council’s resources and mandate. However, with State government assistance and support, and combined with a strategic plan for a long-term staged retreat from coastal areas, Council may be able to address vulnerable communities in these risk areas. Staged retreat from affected coastal areas is increasingly recognised as an adaptation response to sea level rise as a result of climate change, however there is no comprehensive system in NSW to assist Councils in acquiring land from private landowners when these areas have been identified as being uninhabitable as determined in accordance with set criteria. A state-wide program to assist Councils when faced with this situation and to ensure a consistent transparent equitable scheme if available to all affected properties would be important especially with the predicted intensification and increased severity of predicted climate change impacts forecasted for the future.

**iii) biodiversity loss,**

Attached to this submission is a Council resolution of 24 August 2023 addressing the threat to the critically endangered species including the Eastern Suburbs Banksia Scrub (ESBS) from development proposals. Council has resolved to address this issue to the Parliamentary Inquiry highlighting inadequacies of the current biodiversity offset credit scheme where it relates to critically endangered species and ESBS. There have been instances where developers have appealed to the Land and Environment Courts to adjudicate on development outcomes that may result in decisions not always in the best environmental interest of these ecological communities. This is particularly the case in Jennifer Street, Little Bay where development outcomes presided over the protection of these communities.

The Inquiry should therefore consider recommendations to review and strengthen this scheme to require a higher level of analysis as it applies to species such as ESBS which are irreplaceable, and which cannot be offset with biodiversity credits without reducing the current stock of ESBS in the area.

**iv) rapidly changing social, economic and environmental circumstances**

With the introduction of the Sustainable Buildings SEPP in 2022, energy and thermal requirements of new residential development were reviewed, and new targets were introduced. However, the BASIX Energy target for low-rise development (these being small apartment buildings up to 5 storeys in

NSW) have not been increased in line with the other development typologies when the new Sustainable Buildings (SB) SEPP came into effect on 1 October 2023.

Thermal properties of new dwellings up to five storeys in NSW have not changed whereas other development typologies are required to meet at least 7 stars, based on the star-rating scale defined by the Nationwide House Energy Rating Scheme (NatHERS), which is consistent with the energy efficiency requirements in the National Construction Code 2022.

The existing energy and thermal standards for residential developments up to five storeys have been in place since July 2017, and these targets are not likely to be changed until the next SEPP review in 2026. Given energy prices have significantly increased since 2021 and are forecasted to remain high until at least 2026, it is considered that a “do nothing” approach for these overlooked typologies for a further four-year period is not seen as an environmentally/socially responsible outcome for the occupants of these dwelling.

Randwick Council, together with Waverley and Woollahra, commissioned a study in 2021 entitled *Future Proofing Residential Development to Climate Change* which was completed by an environmental consultant, WSP. This study confirmed that all dwelling types tested failed the current BASIX Thermal Comfort requirements for cooling in 2030 and 2070. Further, this report confirmed that buildings most affected by heat were the attached, detached and low-rise dwellings. The least impacted dwelling type was high-rise buildings, that tend to benefit from design factors such as a higher proportion of shared walls and floors and better natural ventilation opportunity for upper-level dwellings.

The Study confirmed that dwellings approved for construction now will be unsuitable for occupation by 2070, without extremely high levels of mechanical cooling to maintain comfortable, safe and liveable conditions. This study should inform the Parliamentary Committee of the enormity of the task ahead of having the correct regulatory regime to bring all dwellings up to a standard commensurate with predicted climate conditions in 2030 and 2070.

**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 Social Impacts of Climate Change and Equity in Mitigating Programs.**

#### **Equity in Sustainable retrofitting for climate change**

Close to half of Randwick’s residents live in apartment units. However, the majority of rebates and incentive programs being provided by the State Government are targeted for, or better suited to, single dwellings. Council recognises a need to provide programs and incentives to assist those living in units to better access and utilise programs and rebates. For example, it would be appropriate to design programs to support existing multi-unit developments to become more resilient by installing individual hot water heat pumps as exempt development. However the cost of a heat pump unit for apartment units is currently around \$150-500 whereas installation in metro Sydney, as part of the [NSW Energy Security Safe Guard Program](#), if eligible, currently costs an average of \$33. The disparity is a disadvantage to unit owners/dwellers, especially considering that heat pumps are a viable alternative to electricity hot water storage and can reduce energy consumption for unit dwellers by around 20% resulting in significant cost savings and reduced peak load energy demands on the grid reducing potential power outages due to insufficient peak load supplies.

Additionally, targeting units and strata schemes to increase uptake of solar with battery backup for individual unit power requirements and communal rainwater tanks for non-potable water use within the complex would greatly increase the resilience of multi-unit buildings to cope with predicted future climate change stresses.

**Other - More incentive programs to go beyond BASIX and build resilient developments.**

Current best practice environmental rating schemes should incorporate a resilience element that encourages buildings to address their capacity to “bounce back” from short term shocks and long-term stresses in energy and water supply. They also provide a positive contribution to energy and water requirements, taking the pressure off limited resources predicted under future climate change scenarios.

The Kingsford to Kensington (K2K) town centres planning review and DCP adopted in November 2020 introduced planning incentives for strategic node sites (key sites) in the precinct that met the requirements of design excellence requirements under the Randwick LEP 2012 (Clause 6.11). The incentive was in the form of a bonus height and floor space ratio where, among other things, development must be designed to achieve at least 5-star green star performance and exhibit design excellence as judged under an architectural design competition and the provision of social infrastructure. Since the introduction of the planning controls, there have been 9 buildings that have been registered and/or certified by the Green Building Council of Australia as listed on the [Green Star Project Directory - Green Building Council Australia \(GBCA\)](#) which is independently verified to meet Australian best practice requirements.

By encouraging Green Star certified buildings, research has shown that these developments typically use 66% less electricity, 51% less water and for a 1.89% additional cost for implementation. These also provide in return a 16.4% higher property value and a 13.5% higher annual return on rented properties.

I trust this submission provides relevant matters for consideration by the Parliamentary Inquiry. Council looks forward to seeing the results of this Inquiry.

Yours sincerely,

**Cr Philipa Veitch**  
Mayor