

Submission
No 179

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

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

Submission

Terms of Reference addressed:

(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
- (iv) rapidly changing social, economic and environmental circumstances.

Introduction:

I live in Albert Street, Petersham in the Inner West Council Local Government Area.

My immediate concern is about the cumulative impacts of increasing development in Albert Street, elsewhere in Petersham and indeed across the Inner West municipality, combined with the increasing effects of climate change (ie global warming).

Prior to discussing my specific concerns, I believe the following overarching principles, at a minimum, should be addressed:

- State and local governments must take every opportunity to incorporate the increasing impacts of global warming into every development both small and large and when (re)developing parklands, preserving bushland and other green spaces. To this end, there must be clear and consistent delineation and definition of all these terms to avoid confusion or minimisation of human impacts.
- Planning matters affecting local government areas must first sit at the local level where councils and councillors ideally have greater knowledge of local priorities and conditions. Local councils must be given *more* power - not less - to make decisions about planning and environment that directly affect their local communities. However there is a caveat to this, being:
- Smaller local councils, rather than larger, forcibly amalgamated ones, generally offer more democratic participation and transparency than larger ones.¹

¹ At the local council elections in 2021, 62.5% of residents across the Inner West LGA voted to de-merge, wanting a return to the previous smaller councils of Leichhardt, Marrickville and Ashfield, in the belief that their representation of views and capacity for participation was far greater. As at November 2023, the Labor-dominated IWC is resisting calls from the community and non-Labor councillors to de-merge.

- In any case, councils must make their decisions in genuine transparent and accountable consultation with the local population in its various groupings, in the widest public manner.
- There must be increased, transparent and reportable vetting of the influence of private interests (eg widespread use of consultants without competitive tender; private developer lobbyists) in council policies and procedures.
- Local environment plans (LEP) and Development Control Plans (DCP) should be widely circulated and explained to residents across municipalities in the most transparent, accessible forums. Broad community input must be sought and incorporated and when ratified, adhered to.
- Given the housing crisis and lack of affordable rental properties, priority must be given to incorporating social (public) housing in many new building developments, on both a small and larger scale.
- State governments must have *reduced* control over local councils on planning matters, though still maintain a transparent review or appeals process through independent entities staffed with appropriately qualified personnel rather than political appointees. State significant projects should only be classified so when they *are* significant, not as a means of forcing oversized developments in local areas.

Concerns:

It is widely known there is a housing crisis across the country including in the Inner West. This is not simply about buying houses but also being able to find and afford rental premises. Homelessness is also part of this mix. These challenges are real and the solutions are not simple or easily remedied.

But underpinned by political and developer calls for “supply supply supply” and for governments/councils to relax planning or zoning rules, demolition of ordinary homes continues apparently quite easily, using the private certification system under NSW Planning laws.

Those of us who value our old houses, care for them and their gardens and want more of them to remain, are increasingly derided as “NIMBYs” – a pejorative term which dismisses those who would defend their houses, streetscapes, tree canopy/gardens with associated biodiversity, and local community.

At the same time, Inner West Council suburbs are already contributing a large share of medium density housing - for example, the still being completed Petersham RSL development with some 365 dwellings is only a few streets away, and many cars will emanate from this. There is almost no canopy vegetation associated with this massive development. The nearest park is Petersham Park, already adjacent to two recently built medium density private unit blocks. Another example is the Wicks Place development in Victoria Street Marrickville which has 272 apartments and associated car spaces. There is no canopy vegetation associated with it. The nearest park is the very small Wicks Park.

There are many other developments being built along Addison Road, Marrickville. As I understand it, there is little or no social housing included in any of this mix, or elsewhere in the municipality.

Where will all the new residents – many presumably with children and dogs – recreate in nearby parks which are already oversubscribed by existing populations?

Although there is established public transport infrastructure across much of the municipality (trains and buses), more and larger vehicles are spilling onto our already congested roadways, and contributing yet more emissions.

Despite this, the current NSW government, through the Minister for Planning, is heralding even more density of medium and high rise buildings including in the Inner West, while aiming to curtail what remains of local council powers, and offering developers a trade-off by encouraging them to include “at least 15% affordable housing” not social (public) housing.²

Case study: Albert Street Petersham

Most locally to me, an 1880s Victorian era two-storey house at 16-18 Albert Street - home to many generations of the one family until April 2023 – was demolished soon after its sale, along with all surrounding vegetation.³ The demolition was apparently legal through the private certification system. Although I live diagonally opposite that block, I was not notified this was imminent; I found out by chance through a neighbour who *was* notified. I understand that not being directly informed was also quite legal. Moreover, under this system, neighbours were not entitled to object.

The site is now bare. A development application through Inner West Council was then lodged and is on foot.⁴ It comprises four (4) two-storey townhouses with car ports of the modern “Kellyville” design – ie, totally out of keeping with the surrounding area (much of which falls within a housing conservation zone).⁵ There is almost no space for gardens.

I was not formally notified of the D/A but saw it posted on the proposed site. I have lodged a formal objection, as have a number of near neighbours. We were required to provide our names and addresses. However, the identity of the developer – a trust – is unknown to us and Council staff have advised we are not legally entitled to know their identity. How is this legally permissible?! And even if this D/A is rejected by the Inner West Council, the proponent can still appeal to the Planning Panel and might be successful, overriding the wishes of the local neighbourhood which would be most highly impacted.

Elsewhere in Albert Street a large mansion was, until 2022, occupied as a block of flats for many years. During that time, the residence was surrounded by complex canopy: many trees, mid-storey shrubs and ground covers, also on the street verge. The backyard comprised vegetable gardens, trees and shrubs and was home to many birds, frogs and insects. All of this has been removed by the new owner except for three small trees. The backyard is now concreted over – possibly in preparation for a swimming pool. The front yard now has mown lawn, a concrete path, and low hedges – in effect, a monoculture.

² <https://www.theguardian.com/australia-news/2023/jun/15/nsw-to-allow-taller-denser-property-developments-while-curtailling-power-of-councils>

³ <https://www.domain.com.au/16-18-albert-street-petersham-nsw-2049-2018474974>.

⁴ Inner West Council D/A 2023/0705

⁵ Housing Conservation Area 18 Petersham South Heritage Conservation Area aka Norwood Estate.

Further north at 51-53 Albert Street a block of once affordable flats surrounded by gardens and trees including a very old, large Camphor Laurel - were recently demolished.⁶ In their place is approval for 4 (four) two-storey terrace houses with attics and underground car parking.⁷ At the time of writing, there is a huge hole where the original building existed, awaiting concrete pouring. There is NO vegetation left and massive excavations for car parking are underway. At least five neighbouring houses are significantly affected by this intrusion.

Every loss of garden risks isolating and ultimately destroying our dwindling population of small birds, insects such as bees and butterflies, and reptiles such as lizards and frogs. That is, there is a cumulatively negative impact on our local biodiversity.

A compounding problem regarding the increased fashion for demolishing existing habitable and restorable houses – and replacing them with much larger ones - is that building waste is a major contributor to landfill and emissions.

The significant shift from blocks with mostly permeable land into hard surfaces will have a worsening effect on the already limited ability of Albert Street to cope with significant rainfall which is predicted to increase with climate change extremes. Even moderate rainfall routinely overwhelms the available drainage which causes damage to other houses, the road surface, drives pollution in our river system and wastes a valuable commodity.

My overarching concern is that with each demolition, associated land clearing, building to boundaries, with no compulsory ameliorative features (eg through BASIX), hard surfaces replacing more permeable ones, and increasing numbers of vehicles, there is cumulative diminution of the environmental, social and historical fabric of our local area. We are losing amenity, much-needed vegetation, complex tree canopy and biodiversity.

All of this is occurring while the increased effects of global warming are contributing to the 'heat island effect' – ie

Heat (mostly from the sun) is absorbed by building materials and surfaces such as bricks, roads, carparks and concrete and then radiated into the surrounding area. In some cases, urban surfaces and buildings can be up to 10–20°C warmer than surrounding air temperatures.

The NSW Government itself recognises this phenomenon, setting out clear acceptance of climate change and ways to mitigate some effects.⁸ Yet paradoxically it appears to be continuing willy nilly with an aggressive, brook-no-arguments planning policy of overriding the reasoned objections of many communities including in the Inner West to intrusive, ill-thought-through, heat-inducing overdevelopment, in many inappropriate areas, and with little or no complex replacement vegetation canopy.

This smacks of overreaching developer influence.

Summary and conclusion:

⁶ [51-53 Albert Street, Petersham NSW 2049 | Ray White Petersham | Sold \(homebound.com.au\)](#),

⁷ Inner West Council D/A Mod 2022/0310, Archon Group P/L, appealing to the Land and Environment Court.

⁸ <https://www.climatechange.environment.nsw.gov.au/urban-heat#>.

The climate crisis is upon us.

There is little point in the government posting climate change policies that appear to acknowledge the crisis but simultaneously create even more problems through (inter alia) massive overdevelopment without appropriate mitigating strategies.

In considering the above issues, I am very concerned that at stake is the erosion of participatory democracy by ordinary residents who do not have publicly unseen influence over council or government decisions that affect us. And we are all paying the price for this.

Recommendations:

1. It is essential for the NSW planning laws to incorporate as the overriding consideration the worsening climate crisis and therefore be amended accordingly.
2. It is also essential that NSW planning laws, in conjunction with the Local Government Act 1993, be reviewed and changed to enable local councils and the communities they represent to have more constructive and binding input over impending developments and their likely impacts.
3. On a separate but linked matter, I support the proposed amendment to the Local Government Act 1993 to allow binding plebiscites to be held in relation to the de-amalgamation of local councils and for related purposes.
4. State Government funded social housing, far more than “affordable” housing, must be incorporated into Inner West (and many other) council areas – either in new buildings or adapted from existing ones - in all new proposed developments. These could be of small to medium density, not only large.
5. The NSW BASIX system must be made compulsory in **all** new dwellings from at least mid-2024, whether individual houses or commercial blocks of units etc. to include light coloured roofing, light coloured paint for exterior surfaces, water tanks, water-sensitive design, solar PV and solar hot water/heat pumps, potential for battery storage, wider eaves, water absorbing/permeable surrounds to offset stormwater surges, and prohibition of any new gas installations, among other features. Provision of complex vegetation must also be included.

Adrienne Shilling

3 November 2023