

**Submission
No 194**

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

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Thank you for the opportunity to make a submission to the NSW Upper House inquiry into the planning system and impacts of climate change on the environment and communities. As a Greens councillor from the Pittwater Ward, Northern Beaches Council, and an executive member of the Sydney Coastal Councils Group, I have significant interest in improving our planning system to deal with the impacts of a heating climate. These include sea level rise, as well as planning controls to both lessen carbon emissions and provide resilient housing that's fit for purpose in a changing environment. I'm also a journalist and have previously carried out demographic research.

My submission is written in response to the terms of reference of the inquiry, as follows:

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

Sustainable development standards

Residential buildings are responsible for around 24 per cent of overall electricity use and more than 10 per cent of total carbon emissions in Australia, according to federal government statistics. (See <https://www.energy.gov.au/government-priorities/buildings/residential-buildings#:~:text=Residential%20buildings%20are%20responsible%20for,economy%20and%20the%20energy%20grid.>)

To reduce these emissions and create homes that will better cope with climate change-induced weather extremes, the Building Sustainability Index (BASIX) and the National Construction Code should be rewritten to set Net Zero as the standard for all new buildings. In the immediate future, Local Environment Plans and development Control Plans should be permitted to require standards in excess of BASIX or the NCC.

At a local government level, planning measures that should be mandated or encouraged include: solar panels on roofs; window frames that minimise heat loss (especially plantation timber) with low emissions glass; insulation in roofs; no gas heating, water heating or stoves; heat pumps for hot water and induction cooktops.

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

Planning for sea level rise and coastal erosion need a complete overhaul by the NSW (and federal governments). Billions of dollars worth of property, including public infrastructure such as roads, schools, railways, airports and ports (not to mention local council assets such as surf clubs) are at risk of inundation due to climate induced sea level rise, not to mention the normal processes of coastal erosion. Coastlines and beaches are continuously changing and planning must take this into account.

On Sydney's Northern Beaches, this creates enormous planning and financial problems along with social disruption for those affected by significant coastal erosion and flooding during storms, such as those of 1974 and 2016. Waves during these events have repeatedly washed away beaches, swimming pools, seaside footpaths, a kiosk at Dee Why and a toilet block at Manly, undermined foundations of residential apartment blocks at Collaroy, as well as damaged homes, businesses and surf clubs.

Across NSW, more than 26 ocean beaches are at serious risk of coastal erosion, and on the Northern Beaches the council also regards Bilgola, Mona Vale's Basin Beach, and Collaroy/Narrabeen as erosion "hot spots".
<https://www.northernbeaches.nsw.gov.au/environment/natural-hazards/erosion#:~:text=Northern%20Beaches%20Council%20has%20three,Basin%20Beach%20at%20Mona%20Vale>.

Newport Beach should be added to this list, due to the fact that in the 1974 storms, the front of the clubhouse was undercut by waves, requiring emergency dumping of rocks to prop the building up. Further, in storms last year, waves washed away fences from private properties and beachfront portions of gardens at the southern end of the beach.

In addition, a number of estuarine beaches on Pittwater are at extreme risk of erosion, including Great Mackerel Beach, Currawong, The Basin - with ongoing sand bagging and sand nourishment of these beaches. During storms last year, water lapped at the front door of some homes at Great Mackerel Beach. Clareville, Bayview and Snappermans Beaches on the eastern side of Pittwater are also severely eroded, with privately constructed seawalls below the high water mark preventing public access to the beach at high tide.

However, other beaches in the area, such as Manly, Freshwater, South Curl Curl and Dee Why have also experienced severe erosion of previous decades, with the former Manly Harbour pool enclosure washed away in the 1974 storms.

With climate change, intense storms that cause this sort of damage are likely to become more frequent, and the NSW Government expects sea levels in the state to rise by up to 2.3 metres by 2100 and 5.5 metres by 2150 if the icecaps melt. (See <https://www.climatechange.environment.nsw.gov.au/impacts-climate-change/weather-and-oceans/sea-level-rise>.)

Currently, local councils deal with the brunt of the problems caused by erosion and flooding. On the Northern Beaches, the seven metre high vertical seawall at Collaroy - resulting from a DA with a recently approved extension - is widely detested by residents.

Independent experts, such as UN recognised coastal engineer and former Pittwater Council General Manager Angus Gordon, have condemned the wall as an inappropriate solution to coastal erosion.

However, the state government provided no benchmarks to guide council staff, and the seawall solution was supported by residents from seven homes wanting to stabilise dwellings built on the dunes. From looking at before and after photographs of the site, I believe some may have actually extended their property boundaries. Advice to council was provided by private contractors. Meanwhile, beachgoers are faced with a massive concrete fortification, topped by glass walls (surely a potential hazard during a big storm) and with surveillance cameras in place, that has completely changed the character of the beach.

Further, the design for the original wall was submitted in a DA during the height of the Covid pandemic, and even highly motivated stakeholders missed the opportunity to make submission, so that it gained no objections. Whilst residents funded 80 per cent of the work, the state government provided 10 per cent and the local council another 10 per cent.

These issues raise the questions of: Who owns the beach and which parts of it? How do different layers of NSW legislation from different time periods quantify this; are they clear, ambiguous or do they contradict themselves? Is the legislation fit for purpose in a changing climate scenario? How do we ensure the public interest takes priority over private concerns? How do we ensure councils obtain independent advice? Who should fund work to maintain (for example with sand nourishment) or defend the beach, or retreat in the face of coastal erosion?

I note here that some councils in other countries many years ago had already taken decisions to abandon maintenance of some parts of their coastline in the face of rising sea levels, without compensation to property owners. For example, on the Kent coast in the UK, the local authority more than 15 years ago informed residents of places where it would no longer maintain sea defences. Owners received no compensation and were required to inform any potential buyer of their property.

I believe we must remove any hint of self interest from the decision-making process regarding coastal management and decisions should be made in consultation with and in the best interests of the local and wider community. The state government should be providing guidance on what measures are appropriate in any given situation - whether a revetment, vertical sea wall or retreat - and adequate funding provided to local councils to deal with the

issue. Homeowners whose properties have been built in hazardous locations and private consultants can't be expected to act in the interests of the wider community.

Councils should have independent advice available to them from an advisory panel and a coastal commissioner to oversee coastal management on a statewide basis.

The Sydney Coastal Councils Group (which represents nine councils in the Sydney coastal region and seeks to lead sustainable management of the coast) prepared a position statement in the lead up to this year's state election, which explained the problems faced by local councils in coastal management.

We called for a whole of government approach to coastal erosion, recession and the impact of climate change including sea level rise, recognising the serious challenges developing in coastal management.

"Councils use the advice of experts and stakeholders in deciding whether to defend or retreat in

parts of coastal Sydney and no government benchmarks exist to guide them. They are also (left) to navigate a maze of legislation across multiple government agencies while the NSW State Government provides relatively little financial and expert support to Councils in general," the statement reads.

"We therefore need the State Government to clear up uncertainties in the coastal management framework, including relevant state legislation, to resolve long term issues for Councils such as management of hotspot areas, funding, works on Crown Land and more specific development consent conditions so that Councils can deal with the threat of sea level rise and coastal erosion across Sydney - and in fact across coastal NSW."

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

The NSW government must recognise that in the climate emergency, we must protect bushland and habitat that are already suffering from more extreme temperatures and other climatic conditions.

In areas such as the Pittwater Ward of Northern Beaches Council, which I represent, we have significant biodiversity with threatened species living in our backyards. Not only are contiguous areas of tree canopy significant but also wildlife corridors connecting them. The area includes some 20 Threatened Ecological Communities, including Duffys Forest, Coastal Upland Heath Swamp, and Pittwater and Wagstaffe Spotted Gum Forest.

Therefore, the government must support Conservation Zones in locations such as these, giving equal priority to bushy areas as well as wildlife corridors, with controls that restrict the removal of canopy trees and other vegetation, and binding limits on the size of footprints for buildings. Where trees have been removed illegally or under former LEPs or DCPs that are currently under challenge from developers, Conservation Zones must be maintained to allow canopy to regenerate and wildlife to thrive again.

Furthermore, in my area, we are surrounded by hazards which will intensify with climate change. We live on a narrow, hilly peninsula, prone to landslip during intense rainy periods and with four roads in and out. During the 1994 bushfires, each of these roads was cut by flames, one leaping across the width of Narrabeen lagoon.

Plans to increase urban density are therefore completely inappropriate for this area, given they would place thousands of people at risk during the inevitable fires at Ku-ring-gai Chase National Park that spread embers across Pittwater to urban areas. Therefore, the state government must take hazards such as these seriously to protect local residents.

However, I note that since the introduction of the state's 10/50 clearing laws, canopy areas in Pittwater have diminished by more than 13 per cent, with some owners and developers clearing more than 20 trees from a site. Many residents (including me) believe that much of this is carried out with the intention of obtaining water views, and for single dwellings, to enable new buildings with substantially increased footprints.

I would therefore like to see the 10/50 clearing rules reviewed, to determine how much clearing has been carried out with bushfire prevention in mind and how much to aid development.

I would also like council to be allowed to include tree protection controls in LEPs, which carry more weight than DCPs.

(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,

Local residents in Pittwater feel we have been disempowered since planning approvals have been removed from councillors. Decisions are made by appointed panels rather than democratic representatives of local residents.

Precedents set in the Land and Environment Court that now enable provisions of DCPs to be set aside are resulting in developments that anger residents and destroy the character of the area.

The cumulative effect of this is that tree canopy is being destroyed and even the contours of the local landscape - with massive excavations cutting away cliffs.

With DAs that might have been approved many years ago but acted upon with only minimal building works, the cumulative effect of multiple later excavations, building heights and building works (including work vehicles travelling on and damaging local roads, and parking so that they block cars and buses and take up all available spaces) and more recent building methods (eg developers buying cranes that are parked on site for years at a time) are often incredibly inconvenient and annoying for existing residents. We need a planning system that disqualifies DAs that are not acted upon within a much shorter time frame than the current system.

(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

I would prefer to see density increased than an ever increasing expansion outwards of Sydney and other major cities. This also applies in the case of secondary dwellings, where granny flats take up much of the backyard, eliminating trees and other vegetation. It would be better to see secondary dwellings built on the same footprint as the primary dwelling.

However, I believe we should stop the expansion of Sydney and take stock of what sort of cities we want. In an address to the Local Government Association AGM last year, economist and demographics researcher Simon Kuestenmacher said that post-Covid, young people and some empty nesters are returning to choosing to live in city apartments. However, most parents with children still want a house with a garden. Consequently, they are still choosing to move to the outer fringes of Sydney, if they can find somewhere affordable, or else to the Central or South coasts. Demographic projections showed this trend would continue throughout this century, he said, so that it's likely we will have urban conurbations up and down the coast.

Mr Kuestenmacher also noted that the demographic transition that western nations experienced last century - in which populations in poorer countries industrialise and birth rates fall (and incomes rise) - would progress around the world throughout the next century. So it will become much more difficult for Australia to import workers.

Having lived in a number of different cities (Sydney, Canberra, London and Amsterdam) I believe Sydney is a very difficult city for many people to live in, particularly for those on low incomes and with long commutes. Whilst the logical place for development in Sydney would be close to the CBD and the coast, to do this we must destroy heritage and other old buildings, both in the business district and surrounding inner circle of suburbs on railway lines. The irony is that in many European cities, these centres were destroyed during WW1 and WW2 and we

are lucky to have the old buildings that remain in Sydney after the development pushes of previous decades.

Similarly, current proposals for high density dwellings in suburbs on railway lines will destroy the character of those outer suburbs.

However, both Europe and the US have many cities with good infrastructure, including railways and roads connecting them to other centres, educational and medical facilities, and headquarters of major corporations but with populations of under 1 million people. One example of this is Seattle, with a population of 730,000 and HQ to Boeing, Microsoft, Starbucks and Amazon Retail.

We no longer need cities as major population centres to provide an industrial labour force and we already have a range of smaller centres that would be candidates for population growth. Undertaking planning for decentralisation with good infrastructure for these centres and providing government incentives for families, young and old people to move there would create an increase in the number of vibrant and liveable smaller cities. These are places that could provide affordable and flexible, modern housing. But it requires long-term government planning, and according to one well-known economist Shane Oliver, needs a timeframe of 20 years to work.

Miranda Korzy