

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 7 - PLANNING AND  
ENVIRONMENT**

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

**CORRECTED**

**At Opal and Emerald Room, Campbelltown RSL, Campbelltown, on Monday 6 May  
2024**

**The Committee met at 10:00.**

**PRESENT**

Ms Sue Higginson (Chair)

The Hon. Anthony D'Adam  
The Hon. Jacqui Munro  
The Hon. John Ruddick (Deputy Chair)

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Mark Buttigieg  
The Hon. Scott Farlow



**The CHAIR:** Welcome to the sixth hearing of the Portfolio Committee No. 7 – Planning and Environment inquiry into the planning system and the impacts of climate change on the environment and communities. I acknowledge the Dharawal people, the traditional custodians of the lands on which we are meeting today. I pay my respects to Elders past and present, and celebrate the diversity of Aboriginal peoples and their ongoing cultures and connections to the lands and waters of New South Wales. I also acknowledge and pay my respect to any Aboriginal and Torres Strait Islander people joining us today.

My name is Sue Higginson. I am the Chair of the Committee. I ask everyone in the room to please turn their mobile phones to silent. Parliamentary privilege applies to witnesses in relation to the evidence they give today. However, it does not apply to what witnesses say outside of the hearing. I urge witnesses to be careful about making comments to the media or to others after completing their evidence. In addition, the Legislative Council has adopted rules to provide procedural fairness for inquiry participants. I encourage Committee members and witnesses to be mindful of these procedures.

**Mr STRINI PILLAI**, Program Manager, Heritage, Ecology and Land Management, Gandangara Local Aboriginal Land Council, affirmed and examined

**The CHAIR:** Welcome, and thank you for giving time to come and give evidence today. Mr Pillai, do you have an opening statement that you would like to make?

**STRINI PILLAI:** Yes. Firstly, I'd like to table the documents I emailed this morning. I do have supporting maps here in hard copy. Good day to all present, and my acknowledgement to the Dharawal people, to whom I pay my respects as the custodians of the land. I pay my respect to Elders past and present. Dr Melissa Williams, the CEO, conveys her apologies for her absence due to personal reasons. GLALC is a statutory custodian over six LGAs. In five overdeveloped LGAs, GLALC struggles with consent authorities that approve developments on critically endangered Cumberland Plain Woodland fragments, and yet they ironically publicise their endangered status on their websites.

Our recommendations for the five are to stop all riparian developments; build in residential clusters and reforest land in between clusters with animal corridors; modify existing stormwater outlets to increase groundwater recharge; build roads with land bridges over and under for animals; include anthropological assessments in developments; legislate native, lower mid-storey vegetation in residential gardens; and chip and track all domestic pets. In the sixth LGA, Sutherland, GLALC struggles to protect 1,161 hectares of carbon-sequestering vegetation in Heathcote from development dumping.

We are 13 years into 45 years of development to the tri-metropolitan 2056 plan. However, there is no development waste management plan. An estimated 1,200 tonnes of development waste threatens the green heart of Sydney's future tri-metro area. Heathcote houses a precious genetic metapopulation of koala. For First People it's a blessing just to see the unique identity of Australia preserved, which is not for sale. The recommendations from the Sutherland examples are: mobilise a State-driven regional multi-stakeholder program of works to clean up development waste, especially Heathcote Ridge, which is the target of illegal dumping; develop a robust statewide development waste plan; stipulate an environmental impact assessment prior to transfer of Crown lands to LALCs and ensure at least five annual cycles of restoration; create a statewide campaign to inform and educate New South Wales' residents about national assets' protection, including anthropology; and increase regulatory powers and resources to rangers and police to protect all national assets on Australian soils.

State considerations include: recognise First Peoples and their knowledge systems which hold unique information about environmental changes over time and are well placed to inform about environmental solutions, and demonstrate it by directly investing in ranger stations and eco-depots on open bushland; assist our climate change program; fund the GLALC keeping place and koala sanctuary at Heathcote to protect and preserve culture and heritage; and fund co-created anthropological research projects with First Peoples, LALCs and universities. In closing, regarding climate change, the dynamic imbalanced super-system is a circular system that development ought to mimic. State has ignored natural laws in the 45 years of planned development. Thank you.

**The CHAIR:** Thank you. Mr Pillai, would it be possible to have a copy of your opening statement for Hansard? Are you able to provide them with a copy of that statement?

**STRINI PILLAI:** Yes. Certainly.

**The CHAIR:** Thank you very much. We will just have a few questions if that's okay. At the moment, how does GLALC interact with the decision-makers that are currently making the decisions under the planning system that impact on all of those really important matters that you just presented and GLALC's vision for the area within which the LALC is responsible?

**STRINI PILLAI:** With great difficulty. At the moment, because we have statutory cultural custodianship over six LGAs, we are able to cross cadastral boundaries. What we find is the LGAs are confined to certain areas. Then, of course, legislation limits State officials as well. Rangers will only work within a certain area to a certain cadastral boundary, when we have needs beyond those boundaries. To communicate with them takes setting up a meeting, going to meet each individual government stakeholder in each of the six LGAs, which takes time, and explaining our case and trying to get buy-in to support our climate change program, which basically benefits us all and should be a State concern as well as an LGA concern. We find fragmentation within LGAs and then between LGAs a massive problem.

The issues come from, for instance, our climate change program, this expanding land at Heathcote. We've got 1,161 hectares. And, with claiming Crown lands, we planned to zone it all as C2 land. It's a massive carbon sequestration sink. However, the dumping that threatens these TECs—threatened ecological communities—comes from multiple LGAs. However, Sutherland Shire Council is lumped with the problem. Dealing with them, we find they don't have enough resources. Rangers can't assist us and police can't assist us. We have planned

events on the internet where up to 1,700 likes for an event on this land has been noted by rangers. We can't deal with those numbers. It's a State problem; it's not even an LGA problem.

**The CHAIR:** Is your interaction with the State Government on these particular matters consistent with what you have just answered with those across the LGAs and the local authorities?

**STRINI PILLAI:** Yes. We find State is fragmented as well. You've got the development side and then you've got the environmental side. We've got agreement from the environmental side that, for instance, the Cumberland conservation plan is really a development plan. We've got confirmation that State is interested in koala preservation and is interested in keeping the land green and then, on the other side, development laws just bulldoze those intentions.

**The CHAIR:** Can I just ask you to elaborate a little bit? I'm interested in the Cumberland Plain Conservation Plan and I see that in your document. As you have just stipulated, it's a development plan. Do you not see it's a plan that will facilitate the vision that you have and that you have put forward here today?

**STRINI PILLAI:** No, it doesn't. I've written a document on the conservation plan already. With my CEO's permission, I can share that as well at some stage.

**The CHAIR:** If that's possible to provide that to the Committee, that would be very beneficial.

**STRINI PILLAI:** I'll have to get her permission first. That document was never handed over, purely because we can't follow up on what was observed in that document. Basically, just to try to summarise it, green spaces are essentially just instrumental in the plan. If you look at the maps I've given you, the first map, for instance, will show you the extent of development—that's the whitish bits. If you look at the very thin green slivers, that's your riparian zones. Those riparian zones are way too small to manage the amount of run-off. It's obvious to see.

I have spoken to developers about it, trying to save fragments of green spaces where water can gravitate to, and I've been told that my opinion was just one of many professional opinions and, based on the majority, with the facts I presented, I was basically outvoted. But you can see for yourself. It doesn't take a professional opinion. The thin slivers are just too small to manage the amount of run-off. On 30 June 2023, 374 litres of water fell in 30 minutes per hectare in Milperra. A week later we were standing ankle deep in the water having this conversation, where I was outnumbered by professionals who said that my opinion was wrong.

It's clear to see overdevelopment. It's clear to see that the creeks are way too small already to manage the land. But there are many more implications that the plan has not considered. Milankovitch cycles and ENSO oscillations have not been considered in the plan at all. When water is not able to infiltrate the land and fill the aquifers—Sydney is built over a massive aquifer. If you look on the second map, you will see the low-lying areas that will be flooded. Those are the areas that will be flooded during rains and when water levels rise. Why will water levels rise? Well, your poles basically reflect sunlight. It's called albedo. But they are diminishing. Your seas are increasing. That means it's going to absorb more carbon. This water is getting hotter.

Land also is absorbing—land that doesn't have vegetation on it, that has buildings—the urban heat island, that's all absorption of heat. Water isn't able to infiltrate. First of all, it's getting hotter on the surface and in the atmosphere. That's going to contribute to climate change. But water not being able to infiltrate soils because of hard surfaces and running off to the sea too fast means that they don't fill aquifers. The trees in Australia for 62 million years—they're called phreatophytes. They basically draw up water from these aquifers. When El Niño happens, when the water is being blown away from Australia, they draw up water from the aquifers. It then evapotranspires about 200 litres per tree. That forms our rain during drought periods. The inability to fill those aquifers because of hard surfaces means that during drought times we create fire weather.

**The CHAIR:** Your view then on the Cumberland conservation plan is that it hasn't factored in, to the extent it ought to, all of these considerations. Is that your proposition?

**STRINI PILLAI:** Correct. It hasn't factored in climatic influences, like the Milankovitch cycles, like the ENSO oscillations.

**The Hon. JACQUI MUNRO:** You mentioned five overdeveloped areas. What level of development would be acceptable in those areas? You speak about reforestation. Is there a way to pare back the overdeveloped areas and what does that look like?

**STRINI PILLAI:** There is. That is my suggestion. One of my suggestions was that blocks—so the Ebenezer Howard plan, the garden city plan, is something to start with, which basically means you're building green belts between clusters of residential buildings, so blocks, and you allow for green spaces between that. That

means run-off is sorted and so is the urban heat island effect also reduced. However, like you said, the five LGAs are already overdeveloped. You can't have any more development.

**The Hon. JACQUI MUNRO:** Does that mean that you don't want to see increased density? Even if it's a reduced sprawl, going up instead of out, would you say that that's not an optimal solution?

**STRINI PILLAI:** We do understand the benefits of development and, of course, it's best to go up rather than out and, if you're going to go up, the materials that you use for walls and roofs—you've got to try and create garden roofs. Plants basically reduce ground temperatures by seven degrees. That will help but also the way run-off is structured today in stormwater drainage, it just goes into your stormwater and runs off. Instead, it should be into those remaining green spaces. The water should be spread out so that it can infiltrate and fill the aquifers.

**The Hon. JACQUI MUNRO:** Are there good examples globally or even around Australia of towns or cities of reforestation plans being effective? When you're talking about overdevelopment, are there examples of cities that have managed to essentially recreate the opportunity for water to seep into the land and to have strong reforesting efforts?

**STRINI PILLAI:** No, not really. I haven't done a lot of research on it. I have looked for it. Even at the UN level, nobody has mentioned the Milankovitch cycles or the ENSO oscillation. Maybe it's an Australian concern purely because it hits us so hard. We get 90-degree rays because of the tilt of the earth, so the sun here affects us very differently. It's something we have to work on and it's something we have to figure out, but by mimicking the natural system you don't have to spend that much. You don't really have to force nature to grow. It does so on its own. There's nothing we really have to do.

Encouraging the growth of Cumberland Plain Woodland—the trees are designed to actually keep us cool—is the way to start. Unfortunately, we attended a meeting on 10 October last year, where there's a task force basically planning to develop all of the riparian zones—those thin slivers you see. That's just a travesty. It confuses me that the State has signed treaties like Rio 1992, Johannesburg 2002 and now Doha and New York, and the Paris Agreement. However, there are plans to develop the riparian zones as well—those little slivers. I don't understand what the objective is.

**The Hon. ANTHONY D'ADAM:** What's the mechanism? How do you propose that the riparian zones be expanded? They're already hemmed in by development. Are you proposing compulsory acquisition? How do you actually expand the riparian zones?

**STRINI PILLAI:** Firstly, we've got to stop whatever development is planned in riparian zones. If you go to the last page, you'll see the DPI guidelines for riparian management. I think that's frontier science. We've got to stop this as well. The ecological services that riparian zones give us are not determined by a formula or the Strahler system.

**The Hon. ANTHONY D'ADAM:** Have you got a specific example of where a riparian zone is being encroached upon?

**STRINI PILLAI:** It's all over Sydney. This plan here is something that councils and environmental consultants use. It's a State tool, and it's completely wrong. It's frontier science. I don't know who came up with it. So that's got to stop immediately. The areas that are overdeveloped already—it's a sad state of affairs to say that it's gotten that far. I also don't understand how that happened. There are very smart people in Australia. I don't know how that has happened. If climate change was the concern and if climate change was a priority that would never have happened, but it has.

Now that it's happened, the attitude is, "Well, it's done now. There's nothing we can do about it." There's something we must do about it, purely because of the poles. There's a reason why we've got a wet El Niño: It's because your cryosphere is turning into water. It's only going to increase. The water levels are going to rise. Those low-lying areas in figure 2 will become a problem—anything built next to a riparian zone. If you look at your last map, you even allow for encroachment into 50 per cent. When a flood comes through, this formula, this frontier science, is going to backfire. Whatever is in that encroached area, or beyond, will not be able to cope with the rise of water.

**The CHAIR:** Perhaps Mr D'Adam is getting to the concept of are we looking at retreat, like we are in areas like Lismore? Whether it's through acquisition or buybacks or however it goes, if we are to do the right thing—

**The Hon. ANTHONY D'ADAM:** What's the mechanism?

**The CHAIR:** —is the mechanism a retreat from riparian areas through voluntary and compulsory acquisition programs? I suppose we are just looking at what are the mechanisms to be able to now rectify some

of the wrongs that the frontier science—or the ignorance or the errors or the incapacity to understand the system at the time. Do you know of any other mechanisms other than retreat and through acquisition?

**STRINI PILLAI:** The suggestion earlier on was the garden city concept is the one that would help. Yes, that is a suggestion; however, I'm not completely across all of it. I don't know what crosses your desk, so I'm not across all of the information. We want to develop, we want to increase GDP, we want to improve. We already scored very high for the HDI—the sustainability development report in 2020. However, we sort of failed the environmental then. We're six years away from the 2030 report. So I don't exactly know. I don't have all the information and I wouldn't be able to give you all that answer right now. Like I said earlier on, the solution going forward is to consider the factors that have not been considered before—the environmental factors—and to find those solutions.

**The CHAIR:** It's fair to probably say we don't expect you to have all the answers, as one, but I think it's fair to say the only mechanisms that we have had presented to us already are incentive schemes to encourage different practices on currently private land and acquisition of planned retreats, so I don't think we've come across anything else yet. They seem to be the only mechanisms that we've had presented.

**The Hon. ANTHONY D'ADAM:** It would be useful if, on notice, you could provide us with a specific example of a riparian expansion within the boundaries of the local Aboriginal lands council, perhaps a specific site where you think there's been clear encroachment into the reserve zone and where you think some action might be able to be taken to remediate that.

**STRINI PILLAI:** We are trying to serve that solution. Our CEO started the heritage, ecology and land management department in 2022 and hired me for that purpose, to assist with this very issue. The existing land, the 1,161 hectares, for instance, in Sutherland and land that we are claiming, the plan is to ensure that that land is zoned as C2. If you look at the plan—the tri-metropolitan plan, the eventual plan—this green space lies at the heart of the entire plan. So our idea is to keep it green ad infinitum. We do have the support of the National Parks and all the government agencies in Sutherland. They try to support us. At the same time, they have to sometimes litigate us, which is a strange thing. It's like they know the darn thing is not our fault. They know it's not. However, the way laws are at the moment, the landowner has to clean it up. So we've got to clean up 1,200 tonnes of development waste that came from the 45 years of development.

**The Hon. JACQUI MUNRO:** Is that in a specific spot?

**STRINI PILLAI:** Yes.

**The Hon. JACQUI MUNRO:** Whereabouts is that?

**STRINI PILLAI:** If you look at the first map—down the bottom quarter of the page, around the middle—you'll see a red cadastral boundary. That is the land and expanding. Based on the project 20, the Crown transfer plan, we are hoping to claim adjacent land so we create a continuous land space that links the Georges national park and the Heathcote National Park. What's happening is animals, for instance, are gravitating into the green space naturally, running from surrounding development, which we are very happy about. However, they do move around beyond our land as well.

So we have a great understanding between the government agencies that own land that flanks us and we are working together. However, they also do not have the resources to handle this 45-year development waste plan. They're just handling their BAU. So, yes, we are all in the same position. We do need State to do something. One of the suggestions I noted was a State-managed and resourced regional campaign, a clean-up and an education plan. It's very necessary.

**The CHAIR:** I'm just curious, does GLALC have outstanding land claims at the moment?

**STRINI PILLAI:** Yes, we do.

**The CHAIR:** Do you have any idea about the number of those?

**STRINI PILLAI:** No, not off hand. But there are quite a few. For instance, there are two Crown spots that are within our land. If you'll see the red cadastral boundaries, at the very north there's the Benedict Sands Sandy Point. It's licensed to a company. One of the problems is that because there is no environmental impact assessment prior to transfer, that problem will be handed over to us. That is why I suggest that a proper environmental impact assessment is done prior to transfer and at least five annual cycles of restoration is done. I am a restoration ecologist so I understand that about five years should give a good guide on whether the ecological integrity has been restored. Then we have the Cronulla Model Aero Club, which is sort of mint, that little square cut out along Heathcote Road; that's also leased out. We also have a claim on that. The idea is to

restore all of that, so increase the carbon sink, and that's about the best solution we can give at this stage. It's just we do need support. Help us to help you, basically.

**The CHAIR:** We heard some really compelling evidence from further south from a land council that was specifically talking about, with the land claims, more work really needs to be done as those claims are being processed and passed through the system, whether it is ecological assessments and whether it's appropriate lands for housing and to really identify those issues early on to assist rather than just drop it all on the land council to have to do that work. You're suggesting that in relation to the environmental impacts and the environmental requirements for the management of the lands?

**STRINI PILLAI:** Yes. Our plans are not to develop that at all. Our plans are to, in small areas, maybe create eco-dwellings in future, but there is a more pressing concern and that is the RFS needs track development in these green spaces. The problem is we can't do any track development around more than 120 tonnes of asbestos and other toxic waste.

**The Hon. JACQUI MUNRO:** Can I just clarify, around that Sandy Point area, is dumping still occurring there?

**STRINI PILLAI:** Every day. To give an example, between 1 July and 19 July 2023, 87 tonnes of waste was dumped on one of the 22 tracks.

**The Hon. JACQUI MUNRO:** And they're all like bike tracks, that kind of area?

**STRINI PILLAI:** That's the beginning of the problem. Bikers create what's called track metamorphosis. It starts with bikers, extreme bikers, then it goes to extreme four-by-fours which flatten it enough until dumpers' axles can handle the substrate, and we've got 22 illegal entrances along Heathcote Road.

**The CHAIR:** Twenty-two?

**STRINI PILLAI:** Twenty-two. The other entrances are better managed because the land flanks onto Sutherland shire land, Heathcote National Park and so forth.

**The Hon. JACQUI MUNRO:** Barden Ridge, Alford's Point, yes.

**STRINI PILLAI:** So they have rangers dedicated to protecting that. We don't have that. That's why I suggested that national assets be protected on Australian soils—national assets including vegetation, waterways and anthropology. Not just that, but everyone's anthropology stories. The way development works, there are no anthropological studies done. In other words, you move—in fact, it's legal to move the artefacts. But you find 40 artefacts in an area and there's a story behind that. It is removed and you eventually kill the story. Imagine if you moved Stonehenge because it was in the way.

**The Hon. JACQUI MUNRO:** You mention anthropological assessments as one of your suggestions. What does that assessment look like? Are there are examples of those around the world? How do you make an assessment of anthropological value?

**STRINI PILLAI:** You'll find heritage values; you'd find artefacts and so forth. But in Australia the story just isn't important. If that story is not important then neither of our stories are important. There's just nothing at the moment; the stories are dead. For a storytelling people, the story is very important. It's just as important as finding the artefact. So how does that benefit climate change? The moment we find something like that, it's a long process to try to make that a place of significance. But we can through cultural—we signed UNDRIP in 2009, I think it was. So LALCs can protect green spaces using this anthropological avenue because the moment it's a place of significance, it cannot be developed, which means it becomes a carbon sink.

Aboriginal people, their culture—every traditional people around the world everywhere, including us, come from a traditional background. We've just been too far removed from ours. English people are actually Brigantes. Well, some of them are, but they would carry the Brigantes' traditional blood line. In the same way, traditional people here are connected to the land. The land shapes your way of life. In fact, it shapes our way of life today. It's not such a stretch of the imagination. Australia's got a very outdoor culture. The land shapes our life in the same way it did so for Aboriginal people. So their culture is born of the land—the landform, the trees, the sun and all of those abiotic factors. It's born of that. To cut down trees, for instance, is to cut down their culture and to replace it with another—often a Corinthian-style building. So anthropology is a key to protecting green space.

**The CHAIR:** Do you ever see any anthropological accounts in cultural heritage assessments or surveys, or is that not a theme?



**STRINI PILLAI:** No, it's not. It's not a consideration. The problem here is that developers pay for the eco-consultancy and they also pay for the heritage consultancy. They hold the power. For them to push their development—time is money—they basically control it. It's a conflict of interest, really, and that's not been picked up either. So that's one issue, and then anthropology is not even a consideration. The story of what you find is not noted anywhere. In fact, archaeology—the heritage studies are development driven. If there's no development on that area, the story—the anthropology of that land—is not even known. It's not funded.

We don't explore enough; we don't give enough to anthropology, but this kills tourism. It kills future economies. The reason I say "future economies" is that State does not invest in the replenishment of natural capital. It's just depleted. When you protect these areas, you are allowing nature to replenish the natural capital—like aquifers, for instance. Maybe someone could correct me. I'd gladly take—

**The CHAIR:** I think the State Government has recently put forward—we have presented at this inquiry a valuation of some of our green infrastructure and natural assets. I think we are edging that way. Whether it's quick enough or we're doing it properly, I don't know, but this inquiry has had the benefit of seeing some work that NSW Treasury is doing, which is very exciting work. I know we're running out of time, but on the anthropological investigation or interrogation of places, do you think there is room in the development approvals and assessment system that we should be integrating this anthropological work? It doesn't seem to be captured anywhere else in the development assessment process.

**STRINI PILLAI:** It's vital, because we have lost too much already. Too much of the anthropology of the continent is under cement at this stage or has been destroyed or moved. It's a travesty. Each of the seven continents are unique and they all have stories. We're not maximising ours, which I don't understand. But that co-creation with Aboriginal people—it's like revisionist history. It needs to be done properly, with not a one-sided approach. It has got to be a co-creation with Aboriginal people. Of course, that has so much more value for your tourism. Besides that, the story of the people of that continent—and everybody sitting here as well—no-one has the right to destroy that, if you really think about it. No-one has the right to destroy that, but it has happened. It happens with every development.

**The CHAIR:** Do you have any final things you'd like to say? There is one minute before we wrap up.

**STRINI PILLAI:** Thank you for inviting us. We do acknowledge the benefits of development. Don't think that we're anti-development. It's just that development has got to mimic natural law. It has got to consider all of nature. It's a holistic approach. We find that laws are fragmented. There are different definitions for heritage or for culture in just about every Act and policy. There's a different definition. We've got to standardise those. I think the whole is greater than the sum of the parts. That's what I'd say in conclusion.

**The CHAIR:** Finally, you mentioned that it's developer driven. To rectify that, if that is why we're not getting the holistic approach, is the response to that that we do need a clearer regulatory approach—a framework that is largely driven by the needs of the environment, the needs of the community and the needs of best decision-making as opposed to what you were suggesting, that it is developer driven? You suggested there are conflicts in there and we're not getting the best outcomes. Am I correct in summarising?

**STRINI PILLAI:** Partially. The hierarchy is wrong. In other words, you don't start with the development plan; you start with the environment. You start with the people and the knowledge. Aboriginal people, for instance, their understanding of phenology is phenomenal. Phenology is basically the timing of nature—a day, a week, a month or an annual cycle. And ENSO oscillations, their understanding of that should be a part of your information-gathering before you plan. The hierarchy is all wrong. If you do not think about your environment first—let's put it this way. The very air and water that sustains us right now to make these decisions—we could destroy the source of that air and water if we're not careful. So it's got to start with nature, and ecology has got to be the overarching influence.

**The CHAIR:** Thank you very much for coming today and giving evidence, and for all of your time. The secretariat will be in contact with you in relation to any questions that were taken on notice.

**(The witness withdrew.)**

**Ms KELLY GEE**, Policy and Projects Officer, Western Sydney Regional Organisation of Councils, affirmed and examined

**Mr NELSON NOLAN**, Coordinator, Sustainability and Resilience, Blacktown City Council, affirmed and examined

**Mr KERRY ROBINSON, OAM**, Chief Executive Officer, Blacktown City Council, affirmed and examined

**Ms LINA KAKISH**, Director, Planning and Compliance, Liverpool City Council, sworn and examined

**Mr MARK HANNAN**, Manager, City Planning, Liverpool City Council, sworn and examined

**Mr CHARLES CASUSCELLI, RFD**, Chief Executive Officer, Western Sydney Regional Organisation of Councils, sworn and examined

**The CHAIR:** Welcome and thank you for making the time to give evidence today. Would anyone like to begin by making an opening statement?

**KERRY ROBINSON:** Thank you for the opportunity to discuss the urgent need to consider climate change in our governance and planning system. I wish to begin by acknowledging the Dharug people, as the traditional custodians of the land on which Blacktown city is located, and pay my respects to the Elders, past and present. It's also my solemn duty to acknowledge the passing of our mayor, Tony Bleasdale, on Friday. Tony was a great man and a great mayor, who championed the need for equity for the people of Western Sydney.

Blacktown is the largest city by population in New South Wales and the fourth largest in Australia. In addition to our population of 435,000 people, we have some 25,000 businesses in the city and an economy with a GRP—growth regional product—of more than \$23 billion. Climate change is a dire threat to Blacktown city and all growth regions. The impacts of climate change are more significant in Western Sydney, which does not benefit from cooling summer sea breezes. Heatwaves, flooding and rising temperatures adversely affect our communities and strain our budgets, with increasing maintenance costs and increased demand for services.

Our community faces an average of \$85 million in annual costs due to climate shocks, the costs of which are predicted to triple by 2060. The Committee for Sydney *Burning Money* report, recently released, underscores this, estimating household cooling costs in Western Sydney will increase by a staggering 370 per cent over that same time period. This demonstrates the urgent need for both climate mitigation adaptation and adaptation strategies to protect our communities' and councils' budgets. It is one of the reasons we support mandatory climate-related financial disclosure for local governments.

Blacktown City Council is committed to action. We've declared a climate emergency and since 2022 have been carbon neutral, as defined by the current Commonwealth scheme—of which I will have more to say later. We've secured 100 per cent renewable electricity for our operations; replaced gas-fired boilers in our pools; installed the largest behind-the-metre solar array in local government in Australia; replaced more than 35,000 street lights with LED luminaires; and planted thousands of trees in direct response to heat challenges of Western Sydney.

I strongly support the changes flagged by the Commonwealth to the measurement of carbon by the inclusion of embodied carbon. It is nonsensical for a council or, indeed, for any organisation to be able to declare itself carbon neutral while simply ignoring the carbon embodied in the concrete it pours or the bitumen it lays in the buildings that it builds. However, this change will impose a significant additional cost on local government, whether for the higher cost of higher performance materials or through the consumption of additional offsets, which have a very rapidly escalating international cost. Yet local governments lack resources and planning powers to do the right thing.

Rate caps and shrinking Federal assistance grants in metropolitan areas, year by year, reduce our operating budget on the per head of population basis. Rates are our largest source of operating revenue. Calculation of the rate peg makes no allowance for the cost of improving our environmental performance, such as the need to electrify our fleet of over 1,000 vehicles and items of plant. The rate peg makes no allowance for the increased renewal and maintenance costs which come from council-installed solar systems, more efficient and thus more expensive air-conditioning plant and the like; the rate peg makes no allowance for the need to plant millions of trees across our city to mitigate urban heat; and the rate peg makes no allowance for increased operating costs of cool refuges to support our most economically challenged members in the community.

We know that we need to support State and Commonwealth policies, but we need the funds to act responsibly to do that—to act in line with the community's increasing expectations of all levels of government. Under the New South Wales Government's urban planning policies and controls, we expect our population to

increase to about 600,000 by 2041. That increase in population is bigger than the population of the vast majority of councils in the State. Every additional resident and every additional business further erodes our ability to do the right thing for our environment because of the way the rate structure is in place. The majority of new development will bypass council through complying development pathways.

We support the delivery of more homes, but without addressing climate change we will deliver houses that put residents at risk and shift the burden of higher energy bills and health costs onto communities and agencies. Further, the Department of Planning, Housing and Infrastructure's planning controls for release areas do not allow enough space to plant decent street trees, which can help mitigate urban heat island effects through shading pavements. IPART does not allow sufficient levies on developers to allow the planting of sufficient trees to address urban heat. The New South Wales planning system must evolve. We need a new climate change object in the EP&A Act and a climate change SEPP.

There must be climate considerations in strategic planning at all levels, with more funding and guidance for local governments. Environmental impact statements must be required to include assessment of climate impact. We need to incorporate heat considerations into all development pathways, especially exempt and complying development, with an update to BASIX and with projected future climate conditions rather than reliance on average past, and therefore cooler, climate conditions, and we need to set clear thermal safety standards in our buildings. Constant budget cuts, ongoing cost shifting from State to local government, and declining Federal assistance grants all restrict our responses. The State must either remove rate caps to empower communities, or provide the direct funding for the climate action that the community needs and which its policies require.

Further, the State Government's highest priority must be to reverse the stupid policy decision to prohibit the levying of developers to provide community infrastructure buildings—facilities which very directly aid the community in dealing with climate change. For those not familiar, we are unable to levy developers for things such as pools or libraries or community centres, each of which can act as heat refuges in our communities. In Blacktown City Council's case, that unfunded liability to deliver those facilities, as the department of planning mandated when it planned the release areas, is an unfunded liability of some \$630 million.

Blacktown City Council stands ready to lead. As council's representative, I sit on the steering committee for Resilient Sydney, and I chair the Greater Sydney Heat Taskforce, about which Mr Casuscelli will speak more shortly. Blacktown City Council takes its leadership role very seriously. Yet plans without funded actions are hollow. We need a robust legislative and financial framework to ensure the safety, sustainability and prosperity of our community and the entire State. Committee members, I'll be pleased to take your questions.

**The CHAIR:** Thank you very much. Was there any other opening statement to be made? Yes. Thank you.

**CHARLES CASUSCELLI:** I'll only do it on the basis that I have regional representation, so we'll be speaking outside of the local government perspective, but it might add additional value. Thank you very much, Madam Chair and the Committee, for this opportunity to present to the Committee a regional perspective on some of our climate challenges. Our submission really concentrated on urban and extreme heat events, and the reason we concentrated on that is that, with Resilient Sydney, WSROC chairs the Greater Sydney Heat Taskforce. In addressing the heat challenge we're actually addressing resilience across a number of hazards that our communities are exposed to. So the lessons that we've learnt, are learning, in fact, deal with extreme heat, heatwave events and the urban heat island effect, actually impact all the hazards that our communities face.

For over seven years, WSROC has worked closely with leading researchers, State and Federal agencies and the development sector on the issue of heat resilience, which demanded our attention in a changing climate. I know this has been said a thousand times, and I'm not sure whether people are actually listening to this or not, but heat kills more Australians than fire, flood and storms combined but receives far less attention than its more visually dramatic cousins like flooding and bushfires. Apparently, they make far more newsworthy content on the evening news than heat does. While heat's impacts are largely invisible, they are significant, threatening the reliability of essential infrastructure, impacting community wellbeing, slashing economic productivity and threatening the natural environment. Despite wide acknowledgement that heat is a significant climate risk, there is currently no heat-related guidance in the New South Wales planning framework, except in a small number of council planning instruments. This has got to be addressed and addressed urgently.

The rapid rate of urban development across our city and Western Sydney in particular creates significant opportunities for heat-resilient design, but the window for action is closing rapidly. WSROC has identified a clear pathway for addressing heat and the planning system. We make a series of recommendations. We need to set a clear direction by specifically addressing climate change in legislation and regulation, and Kelly spoke about that a little bit earlier. We need to ensure that large-scale projects and State significant developments consider climate early in design. We need to ensure all planning pathways consistently address heat. We know there is more than

just one planning pathway through local government. And we must establish home and building standards that contribute to keeping people safe now and in the future. All of these actions are needed to manage the heat impacts from climate change. Our current reliance on council development control plans to address this issue is ineffective because DCPs are not legal instruments and just don't hold up in court without high-level policies in place.

In the majority of Western Sydney, development is approved through State pathways like exempt and complying development SEPPs. It's interesting. Kelly, who is the brains behind the outfit, had a quick look to see how much development actually comes through council pathways and non-council pathways. The reality is up to 75 per cent of approvals go outside of the council pathways. I think the lowest council is about 35 per cent. The highest is about 75. The majority of councils sit between 60, and 68 per cent of planning approvals sit outside of local government control. Councils are also unable to set requirements that exceed State planning instruments, only by exception—for example, BASIX.

Finally, as a regional representative, I would like to highlight that many councils you will hear from during this inquiry have done some outstanding work. Many of these exemplars have been achieved because the resourcing, the capacity and the social licence to try something new existed within those councils before the challenge was identified. The councils that are not represented in this inquiry—the smaller ones, those with fewer resources or that have other priorities because the community deem them to be—have an even greater need for State-level support, and they're the ones that really need the State Government to resource them appropriately but also provide some leadership in this particular issue. I'm a fan of not delegating leadership and I'm not a fan of State Government saying to 133 councils, "You've got a problem. Go off and deal with it on your own." About 133 councils are providing services and with one simple instrument the State Government could save a lot of work across 133 councils across the State—or is it 128 councils? I might have that number wrong.

We call on this Committee to support those councils in addressing those issues because, if we do not, those communities will pay. They will pay with detrimental impacts to their health. With cost of living and quality of life, these risks will not be equally distributed. Western Sydney residents already pay 100 per cent more for their energy needs to ensure they have appropriate air conditioning in place during the warmer months. We could see the emergence of climate ghettos, where some homes are unaffordable and are unsafe during extreme heatwave events. WSROC is currently leading a Greater Sydney heat taskforce, comprised of Federal, State and local governments as well as industry and the community sector. This taskforce has been established because its members see the urgent need to address the issue of heat, knowing the major impacts it will have on their budgets, their work and their communities. Every member of that taskforce has identified the critical role that planning must play in mitigating and adapting to climate exacerbated heat.

**The CHAIR:** Thank you all, from the outset, for your submissions. They are incredibly helpful. We will ask some questions now. Can I just start with one about 75 per cent being outside council control? You mentioned the exempt and complying SEPP. Is it also the case that we are looking at planning panels? Is that a component of why these matters and development decisions are outside of council's control?

**KERRY ROBINSON:** The planning panels would deal with the vast majority of the 25 per cent to which Charles refers. The 75 per cent is private certification, largely of cottages.

**The CHAIR:** On the ones that are in the 25 per cent, does council see that the planning panels are delivering good outcomes through that lens of council being able to control some of these outcomes for better development that is climate or heat resilient? Is that system within council's control still delivering good outcomes or not necessarily?

**LINA KAKISH:** I'll start off by mentioning that I'm recovering from surgery, so I'm sorry about my voice that will croak up and down. I think the microphone will help me. On the planning panels, I think they have the same predicament that the council has in terms of being restricted in what to consider under the planning framework. The planning panels in council staff would seek to make decisions that would address climate change and these issues more stringently.

We are, however, bound by the fact that, as Charles and Kerry mentioned, the planning framework itself does not address within the legislative documents some of the issues. We understand and the panels understand that pushing the hard line on the DCP control when the objects are still being met means that we most likely will not be successful in a class 1 appeal, as an example. We feel that our hands are tied in pushing the line in that respect.

It does come back down to the fact that the planning framework needs to be more legislated in terms of those key controls to address climate change and looking at sustainability and the way that we would want to see outcomes being achieved. Also, just on the earlier question, with the 25 per cent, we still don't have complete control over some of those developments. As an example, large-scale subdivisions may come through council or

the panel but a big component of those dwellings may still go through CDC. So we're still not controlling the entire outcome of development in some cases, particularly with respect to greenfield subdivisions.

**KERRY ROBINSON:** Madam Chair, my councillors would certainly say that the planning powers should never have been taken away from councillors. Their view is very much that councillors are elected to represent the community and make decisions on behalf of the community and those planning powers ought to be returned to councillors for that very reason.

**The CHAIR:** I have not had the opportunity to look at every single council's DCP. I've obviously glimpsed at ones when they've come across certain issues. You were referring to the exemplars and the work that council can do. Would it be your proposition that the DCPs, to the best extent they are able to, encapsulate that more visionary planning but it's limited and you can't actually enforce what is in the DCP, its recommendation? Even at the outset, is it the proposition that a DCP can only be made as long as it's not inconsistent with an LEP or a SEPP? Is that the case?

**CHARLES CASUSCELLI:** Largely it is. I think the issue is that we try and deal with issues within local government at the lowest level because we, representing local government, can actually effect and develop DCPs. But the issue is this: Why should a DCP have to deal with an issue which has everything to do with the minimum size of a local road, for example? So the road reserve of a local road may or may not give you an opportunity to have a footpath and a tree planted on the same side of the road so people can actually walk in shade. There is no minimum standard of a local road in New South Wales. Yet councils are expected to deal with this issue of no minimum standard for a local road to have tree canopy cover and a footpath on the same side of the road when really the State just needs to have one instrument that simply says, "The minimum standard for the road reserve for a local road will be X", and that takes into account a footpath and a tree on the same side of the road.

The issue of not having this minimum standard means that councils are running around trying to deal with "Okay, that doesn't exist but how do we sort of influence developers that, when they do their layouts, they actually have minimum road reserve that allows those things to happen?" I think that plays out time and time again. We're asking councils to do things at too low a level in the hierarchy of instruments when a single, simple statement from a high-level instrument fixes it for all 128 councils in the State. Why do we need to do things in DCPs that would be easier done with a State instrument? I think that's the issue. There are a number of those sorts of issues.

**The Hon. JACQUI MUNRO:** Is that a template document that councils would amend to suit their areas? Or is that just something that sits above everything else?

**CHARLES CASUSCELLI:** It can't be a template document. We've got too many guidelines in local government that can't be enforced when there is contentiousness with the developer or landowner in local government. A simple statement in a high-level instrument means you don't have to go to court a thousand times a year over the same sorts of issues. So it's not a template; it's simply a simple statement that says, "The minimum road reserve size for a local road in New South Wales would be X." There's no argument, folks. Go out and plan your master plan community based on that. That means we can actually get garbage trucks and fire appliances to deal with fires at people's homes down the street. At the moment the State is actually approving developments where it's physically impossible to get a full-size garbage truck down the road. That's happening today. Let me tell you, it isn't local government that's actually approving those developments.

**KERRY ROBINSON:** If I could perhaps help, Ms Munro, the development industry would certainly suggest that cars don't change shape when they go across local government boundaries and therefore different standards aren't required. If I could come back to the question of development controls, particularly for growth councils, which are accommodating most of the residential growth across the city, in the case of Blacktown the answer to the question is in two parts. There is a development control plan which council is in control of, which relates to those areas outside of the growth areas. There is a separate suite of development controls comprised of a SEPP and a DCP, which relate to the growth areas.

Those growth area controls are controlled by the Department of Planning, Housing and Infrastructure. The outcomes that are being delivered through those controls are poor, to say the most. I have dragged out to our growth areas Lucy Turnbull, Geoff Roberts, anyone from the department of planning who will listen, Abby Goldberg, former commissioners to show them the outcomes which are being delivered, which is effectively two-storey dwellings which occupy the whole of the lot bar 900 millimetres off each side boundary, three metres off the back and 3½ metres off the front boundary. No-one is going to plant a 10-metre high eucalypt in a three-metre wide courtyard at the rear of a cottage.

Our view is that we need space within the public domain for tree planting to aid in urban cooling. But, as Charles has said, the width of the roads don't allow that. We have requested that the department of planning sensibly re-look at its controls for those growth areas, and for more than a decade it has resisted such change. The controls that apply to the release areas presume a much lesser density of development than has actually occurred. The consequences of that is there are numerous services which are deficient in terms of capacity, including roads and utility services, and the form of development has much less green space than was contemplated when the plans were done. There needs to be a sensible re-look at the suite of planning controls which are governing the vast majority of new cottage development across the city.

**The Hon. ANTHONY D'ADAM:** On that issue, what can be done to remediate those areas, those new developments that are obviously contributing to that heat island effect? What kind of measures can be taken? If you're saying that there's no capacity to plant trees—there's no capacity on private land, there's no capacity on public land—what's the solution for those communities?

**KERRY ROBINSON:** The first thing we can do is amend the planning controls so that we don't keep doing the wrong thing, as we are doing at the moment. For those existing areas—and there are challenges in retrofitting new planning controls in subdivision areas where roads have already been built and so forth—we can do more in terms of delivering street trees which provide shading to road pavements. There is the challenge of trying to do that in pavement because, as lot sizes have shrunk in order to deliver higher densities, the availability of on-street parking becomes very precious to those communities. Quite frankly, people resist street trees in road pavements and will actually damage them. Trees are the best thing that we can do. Insertion of additional water within the urban environment is important in mitigating effects. We can increase the reflectivity of the roofs of dwellings. We can look at thermal mass and how that absorbs heat within the urban environment. There is a range of things we can do. But, for that stock of housing that has been built, it has an economic life and it's going to be there as is.

**The Hon. ANTHONY D'ADAM:** I did a knockdown rebuild. I was required to plant a tree outside the front of my house as a condition of approval. Why isn't that requirement imposed on developers? Why aren't they obliged to provide the street trees as part of the overall planning of the estate?

**KERRY ROBINSON:** You can do that. There's a question of whether the tree will survive. If you're from a culture which doesn't value trees or you don't like trees, you don't like leaves, you don't like sticks or you don't like insects—I get correspondence to councillors about those things every single day—there's a great propensity to chop down any trees.

**LINA KAKISH:** Also, on that, it's about, for example, looking at the planning controls to retain significant canopies. When you've got thousands of houses within a precinct with freshly planted trees, they're all small trees and there's no significant existing canopy. What I've seen in a lot of cases is some of the trees can be retained. They can sit in a certain part of the subdivision where it's not necessary for them to be removed to yield the amount that's expected. A fresh precinct with just baby trees means that it's going to be a number of years before significant shading can be provided.

On your point about what can be done, even with something like your darker colours and finishes, government are working with industry to incentivise the supply of lighter roof tiles and colours and other finishes for dwellings, and building that also into the CDC framework to mandate lighter roofs and lighter finishes. I'm unsure if Blacktown is the same but if you're driving through Liverpool, you will see an array of dark roofs. So it's about working with industry as well, looking at what can be supplied and how we can incentivise those types of changes to the built outcomes.

**CHARLES CASUSCELLI:** The Greater Sydney Heat Taskforce will be coming up with a series of recommendations very soon. That will also include recommendations to reform the policy agenda, so it's looking at the highest level, but it will also come out with some very practical measures for the city to take in dealing with a heat challenge. There's that aspect of it. There's also a tool called Cool Suburbs that's developed largely by local government. There is no longer a case where anyone can stand up and say we're ignorant of all the things that we can actually do to address this. The research is in, the considerations have been done, the analyses have been completed.

We now have a tool that actually allows you to measure the impact of all the different mitigation measures—thermal mass of buildings, the colour you use, the orientation of the building—a whole range of things from master planning precinct level right down to individual dwellings. That tool's been developed for Western Sydney. Industry is looking at it, it has been playing with it, and that's being expanded to be a tool at a statewide level. I think the Commonwealth may want to then take it to a national level as well. In terms of what can be done, there is no shortage of information about the things we can do today.

**The CHAIR:** When do you expect that report will be concluded?

**CHARLES CASUSCELLI:** Kelly?

**KELLY GEE:** It is 30 September because it's State grant funded. That's when the program will come to a close.

**The CHAIR:** And the report will come out of that?

**KELLY GEE:** At the moment there's already currently a report for the Western Sydney portion of that tool, but the statewide version of that tool will be available from the end of September.

**CHARLES CASUSCELLI:** Are you talking about the tool or the outcome of the Greater Sydney Heat Taskforce?

**The CHAIR:** I'm talking about the outcome of the greater—yes, sorry.

**KELLY GEE:** Same date, to make it easy.

**The CHAIR:** I think the SEPP was proposed and repealed—

**CHARLES CASUSCELLI:** The Design and Place SEPP?

**The CHAIR:** The Design and Place SEPP—sorry, it slipped my mind. Can you comment on that?

**CHARLES CASUSCELLI:** My staff loved the Design and Place SEPP. They made major contributions to different aspects of it. We saw it as a way of dealing with a lot of the problems that were before us. Personally, I'm not a fan of bringing something new when something that exists today is broken. I like fixing things that are broken rather than bringing something that's new. But the Design and Place SEPP dealt with issues. I think our staff put forward a series of recommendations which were model clauses you could include in Design and Place SEPP that deal with the climate change impacts across our communities. I'm not sure of the additional stuff that was in it, but in terms of the climate change stuff, it actually provided a solution to many of the issues that we spoke about here.

**MARK HANNAN:** In terms of the design and place, Liverpool City Council are very supportive of the reforms. Similar to what Charles and Kerry have talked about, a lot of the design elements to consider—climate change, the heat island effect, greening, tree canopy and lighter colour material—was covered in the SEPP. It was quite disappointing, I think, from a council perspective, that that was disbanded. It wasn't progressed by the former Government.

**The Hon. ANTHONY D'ADAM:** In the WSROC submission, you talked about a disaster designation for heatwaves. How do you see that working in practice?

**CHARLES CASUSCELLI:** Kelly, can I get you to respond to that, please?

**KELLY GEE:** Sure. Speaking to a State level, as the CEO of Blacktown has already mentioned, a lot of councils are working on programs like cool refuges and places for people to go to during these extreme events when they can't stay safe at home for whatever reason. For other hazards, those disaster arrangements cover things like the additional staffing required to manage some of the impacts of those hazards during the declaration of that hazard. At the moment, heatwave is not considered a designated hazard under that framework, therefore, even if a heatwave disaster was declared, there's no promise that there will be any kind of compensation or support for councils or others at the local level who may need to activate certain spaces in that case.

**The Hon. ANTHONY D'ADAM:** So in a flood or a fire, you'll have a recovery centre set up.

**KELLY GEE:** Yes.

**The Hon. ANTHONY D'ADAM:** You're saying that that attracts Commonwealth or State funding. But that's generally set up by a State agency, isn't it?

You're saying that, in heatwaves, the councils will be looking for funding through disaster funding.

**KELLY GEE:** And I might pass that to Blacktown who has done the most work, if that's okay.

**KERRY ROBINSON:** Mr D'Adam, the challenge that we have is, in respect of a heatwave, there is not a designated organisation which takes a lead in coordinating agencies, councils and the community, in terms of a response. I think theoretically it's meant to be the Ministry of Health but, let's face it, the Ministry of Health has probably more important things structurally to do than that. So part of the challenge is, who will actually coordinate State responses and each of the agencies' contributions to ensure that the community is looked after and the vulnerable people in the community are protected?

There is a presumption perhaps that local government knows who lives in its LGAs and magically local government will be able to seek out those that are in need. Local government does not. Local government knows who ratepayers are; local government knows the registered address of those ratepayers. They don't know whether those ratepayers live in the city and they certainly don't know who the tenants of dwellings are, and they certainly have no information in respect of the health status or vulnerabilities of those individuals. So it can't be local government. There does need to be a coordinating agency. There needs to be an analysis of what that coordinating agency needs to know and how that knowledge is then applied to mitigate the impacts that Kelly and Charles have spoken of, which are very significant in terms of human health.

**CHARLES CASUSCELLI:** Following representations from WSROC, the Minister agreed to review the heatwave sub-plan for the State because that heatwave sub-plan, unlike any other plan in emergency management arrangements, didn't deal with the contingent of emergency management in terms of prevention, preparation, response and recovery. It only looked at a very narrow slice which was, "Dang it, there's a heatwave. What are the messages that we're going to get out?" No-one looked at the roles and responsibilities across the public sector. It certainly didn't look at what local government could do or should do in dealing with that. I think in June the Government has put together a workshop for local government to actually give its input to a document that has a significant impact on how it operates during heatwaves in New South Wales.

**The Hon. ANTHONY D'ADAM:** What constitutes a heatwave? Is it just one day or is there a definition?

**CHARLES CASUSCELLI:** For the professionals, there is actually a definition that says three or four days above a certain temperature. For people in our community, any day which is really, really hot and any number of days that are really, really hot constitutes a heatwave that the agencies should be looking at on my behalf.

**The CHAIR:** Mr Nolan wanted to say something.

**NELSON NOLAN:** Blacktown City Council operates cooling refuges for residents, and so within our policies we have defined thresholds for when we open, and that's according to BOM's heatwave declarations. They have lower density and then higher density heatwave declarations, so we open on higher density heatwave declarations. But, again, as a council with limited resources—limited staff in particular—it's really hard for us without the guidance of, let's say, a heatwave sub-plan which has clear instructions for the different kinds of responding agencies. It's really hard for us to open those cool centres and be responsible and then liable as well for the wellbeing of residents.

**The Hon. ANTHONY D'ADAM:** Do you open them for 24 hours? I'm just curious about the service delivery response, what that actually looks like. Is it 24 hours so that people can go there during the night?

**NELSON NOLAN:** We work closely with community partners, and so it's usually only during business hours, so from 11.00 a.m. to 5.00 p.m., and that only really captures a portion of when residents are most at risk, which is really from 3.00 p.m. into the evening, and that's just because Western Sydney has so much concrete and asphalt that we absorb the heat throughout the day and it stays really hot into the evening. That's when we're really worried about residents, especially those that are elderly or have health conditions, because when it gets to 9.00 p.m. or 10.00 p.m. at night, it's still over 35 and they haven't had any relief throughout the day.

**KERRY ROBINSON:** I will just point out that there are some community challenges with operating those centres. Local councils don't know who declared persons are. Local councils don't know who former convicted felons are. So there is the potential for us to be bringing together children, declared persons and so forth, which has a series of risks, many of which we can't actually mitigate. Systematically, there needs to be work done on the design of that system if it is to be expanded.

**KELLY GEE:** I might also add, because I think we received a lot of inquiries recently about listings for Western Sydney's cool shelters, that Blacktown has really gone out and piloted this type of approach to see what could work. But just to reiterate, this is not a common approach across local government nor Western Sydney. Blacktown was fortunate enough to receive funding to pilot this approach and are rolling that out as a way of understanding how these types of measures might be done, but there is currently no formal guidance or requirement to do that. It's not a common thing across our city, but it is something that communities are increasingly calling for and interested in as things become unmanageable in their own homes.

**KERRY ROBINSON:** And we're not able to do that in release areas because we don't have the funding to build the community centres to accommodate those functions.

**The CHAIR:** And that goes to your point that we should stop doing the things wrong at this point and then work out how we go back and fix things.



**The Hon. JOHN RUDDICK:** My question is to Mr Casuscelli. Thank you for your submission on behalf of WSROC. I'd like to quote from it. You do get straight into it. You say:

... the current Terms of Reference omits inclusion of extreme heat. Given the severity and scale of potential impacts of extreme heat events on our communities, economy and environment, we urge the committee to ensure extreme heat is included in the inquiry ...

Then you say that heat kills more Australians than fire, floods and storms combined. That is true; I agree with that. You did bemoan in your opening statement that there's all this media attention on these other things. But *The Lancet*, which is the world's most respected medical journal, did a big international study recently. They found that for every one Australian that dies of heat, 12 die of being too cold. It does get bitterly cold here in the western suburbs in winter and we often have snow on the Blue Mountains, not too far away. If it's a 12 to one death ratio of cold to heat—and this is something that's seen all around the world, which is why people want to live near where it is warm—are we sure we're not misdirecting a lot of resources and focusing on the wrong thing here?

**CHARLES CASUSCELLI:** If you increase resilience to the heat, don't you also increase resilience to cold?

**The Hon. JOHN RUDDICK:** No.

**CHARLES CASUSCELLI:** If I'm building a house and there is a mandate that says at least one room in that house must be survivable when you get extreme heat events outside, there's a temperature differential between ambient, outside, and inside the house. If you're going to keep one room of the house safe for human beings—that is, you increase the insulation so that whatever it is outside, you're actually maintaining a level of ambient temperature which is conducive to human health—it doesn't matter if it's really cold or really hot outside. The fact that you've got a highly insulated room, which is cocooned and is guaranteed to allow you to survive, would in my estimation actually increase your resilience to cold as well, except instead of spending energy on an air conditioner giving you heat, you spend energy on an air conditioner giving you cold. I don't see a conflict.

**The Hon. JOHN RUDDICK:** A 12 to one fatality ratio is something that should be of very high concern for policymakers. You bemoaned people being concerned about fads—this is a fad. I have one more question and I think it's to Kelly Gee. You mentioned these heat shelters that the council has constructed. I think it's probably just part of the hysteria, trying to whip people up that there's this impending crisis about heat, but what's been the take-up rate? We've just come through summer. How many people turned up to these heat shelters?

**KELLY GEE:** I'll pass to Blacktown for that, but the buildings that are being used are not constructed buildings. They're existing buildings like churches and community centres that are being repurposed during hot weather.

**NELSON NOLAN:** That's right. Normally we operate out of libraries and places that people feel comfortable coming to or that provide other community services like child care and that sort of thing. It really varies on the day, but where we have the most people coming is actually in our growth area, so places like Riverstone that have experienced a rapid increase in development. We'll get anywhere from 15 to 20 people come throughout the day, and we've found it to be a fantastic way for our community to connect, not only with Riverstone resources from a community perspective but also with council resources. We can provide additional resources around services that council provides when people come to visit our cool centres.

**The CHAIR:** We are running out of time—in fact, we're over time—but I know Ms Munro is bursting with a last question.

**The Hon. JACQUI MUNRO:** I have one question—and it's probably relevant to all organisations—around the kind of data that you would like to see provided by the State Government to assist, whether it's through BASIX or SEPPs, any programs that you're running that would benefit from more detailed, more up-to-date or more comprehensive data and what that data is.

**KERRY ROBINSON:** In relation to the work of the heat taskforce, one of the members is the Bureau of Meteorology. It is doing great work in getting very fine-grain climate data on small regional areas, down to—I think the latest set of data was four-square-kilometre grids. The data in relation to climate from BOM is good, and they are doing work to further improve that granularity.

**The Hon. JACQUI MUNRO:** So nothing from the State Government? Mr Nolan?

**NELSON NOLAN:** NARcliM data is very good. NARcliM 2.0 data will be—

**The Hon. JACQUI MUNRO:** What's NARcliM?

**NELSON NOLAN:** It's the national and regional New South Wales climate change data. That gets down to the granular level. What that allows a council to do is to look at things like flooding, heat and storms and then really plan for them based on our understanding of how those hazards will impact our assets, and also cost

out the potential impacts. The State Disaster Mitigation Plan did a fantastic job of that, but that was at a much higher level. As a council, when we're doing our long-range planning and financial planning, having really granular data through NARCLiM—

**The Hon. JACQUI MUNRO:** Is that happening already?

**NELSON NOLAN:** It's something that's happening already, but what we're lacking is the legislative frameworks to back up action. For example, the State Government has recently passed the Climate Change (Net Zero Future) Act. Something like that for climate change adaptation would be instrumental, followed up by State SEPPs, guidance for strategic planning and that sort of thing.

**The CHAIR:** At the moment, obviously, with the State Disaster Mitigation Plan, and now the intention that we get regional local adaptation plans, some of the inquiry input we had was that that's all great but, without the regulation or the directives to implement these things, local government will still be left treading water in various places et cetera. Would you agree? You're all nodding your heads.

**KERRY ROBINSON:** Local government is funded to do what it did last year; it's not funded to do new things. The rate peg doesn't take into account the increased expectation of the community for an increase in service delivery. If you ask us to do new things, we won't do them for want of budget.

**CHARLES CASUSCELLI:** I actually have a fear, born of experience, that local government is still today being asked to do stuff that is better addressed at higher levels of government. Even as late as last week, when I had a look at the State Disaster Mitigation Plan and its flow-on effects to local government having to develop adaptation plans at the lowest level, my question was what if there's a common hazard across multiple LGAs that affect whole regions or a whole city? Why would you want an individual government going off and doing its own adaptation plans? Wouldn't it make sense to have an overriding adaptation plan with some annexes that give you some place-based nuances from one local government area to another?

I thought that was a reasonable request. I still haven't got an answer on that. But I think the same issue is playing out multiple times, which is that someone in the State Government can do things a whole lot easier than local government can do it. That State Disaster Mitigation Plan going down to local-based adaptation plans—I think that's a boundary that needs a better look to make sure that local government is not necessarily doing too much work to get the same sort of outcomes.

**LINA KAKISH:** I think the issue has also been that the goalposts have shifted over the last few years with ownership and control of flood planning. For Liverpool, we are stuck between planning proposals whereby the policy on evacuation and emergency response is unclear. I understand the Government is working through that, but clarity around evacuation, for example, is an issue. Ownership and control of flood planning—that messaging has changed. Initially, through reconstruction New South Wales, it was that they would take on the responsibility. That messaging has also shifted since the initial inception.

**The CHAIR:** As in, it's back now on local government—

**LINA KAKISH:** Well, it's unclear.

**The CHAIR:** —to do flood planning and modelling?

**LINA KAKISH:** Yes, that's the current messaging. Most of our LGA of Liverpool has very outdated flood planning maps. We've got areas around South Creek and the airport that, with the flood planning, have their own complexities so we've got to get on with it and understand, with the severity of the task ahead, how we can move forward with updating our flood maps, and also understanding what the unified position is on development and flooding. We recently had a proposal for Liverpool private hospital where the planning proposal was stalled by the department because the PMF became the issue, not what we've known to be the flood planning issue—some clarity and consistency moving forward to help us to plan in our flood-prone areas.

**CHARLES CASUSCELLI:** I have a question for the Committee to ask the Government.

**The CHAIR:** Yes, I've got a list of those.

**CHARLES CASUSCELLI:** The question would be why is local government being asked to do the disaster adaptation plans as a consequence of the State Disaster Mitigation Plan?

**The CHAIR:** It's not clear, is it?

**CHARLES CASUSCELLI:** Why aren't they going to the local emergency management committees? That, in my mind, is why the LEMCs exist. Why are they going outside those channels to go straight to local government to do something that those local emergency management committees should be doing? If they're not, what else are they doing? That might be a good question.

**The CHAIR:** Some of the examples from the Northern Rivers, where we had the Northern Rivers Reconstruction Corporation and the council engagement with those LGAs that were impacted—I'm not answering for the Government, obviously, but some of those lessons, as a Lismore community member, were that councils were best placed and had best knowledge. But, as I'm hearing resoundingly, without the money and the funding and the resources, it's not going to happen and it's not going to be done well if it is happening.

**CHARLES CASUSCELLI:** It'll happen because local government makes it happen but is it the optimum outcome for the effort that's expended?

**The CHAIR:** Thank you. It's a really important point. I feel like we could probably talk till 9 o'clock tonight. You've been incredibly generous with your time and your evidence. It's been very helpful. The secretariat will be in contact if anything was taken on notice. Thank you all very much. We've come to the end of the session.

**(The witnesses withdrew.)**

**(Short adjournment)**

**Ms NICOLE MAGURREN**, Director, Planning and Environment, Camden Council, affirmed and examined

**Mr JAMIE ERKEN**, Manager, Statutory Planning, Camden Council, affirmed and examined

**Councillor MATT GOULD**, Mayor, Wollondilly Shire Council, affirmed and examined

**The CHAIR:** Would any of you like to make an opening statement?

**NICOLE MAGURREN:** Firstly, I thank the Committee for inviting us to present today and also for acknowledging Camden council's submission. From council's perspective, we certainly support the inquiry and the intent. The reason for that is obviously flooding is a very topical issue in Camden in the last few years. In 2022 our community was significantly impacted by four floods. It had significant impacts on our community, public infrastructure, private buildings, homes and, of course, our residents. If any of you know the historic township of Camden, which was built around the 1850s and 1860s, it's a beautiful historic town located within the Nepean River flood plain.

The clean-up and the cost for us from those floods was significant. We had some three bridges—one of them was shared with our friends at Wollondilly—that required significant rebuilding and repair. There was also a lot of erosion along our riverbanks. Some of the work in terms of the rectification and repair work is in fact still underway. But the true cost of a lot of this is around the impact for private businesses in the town and also for residential properties. It has been enormous in terms of the financial and the emotional cost on the local community when these events occur, which is very unfortunate.

For council, it's very resource intense in terms of the recovery. There's obviously opportunity cost for a lot of work that can't be done when we're undertaking the recovery work, which leads us to the issue in terms of how we manage these properties, in particular, going forward—properties that, from what we know now, probably should not have had development on them. We've got updated flood studies and risk management policies. Once those studies are done and they identify properties that are flood affected, they have significantly negative impact on the developer land, which also reduces the development rights. We're dealing with residents now who have been impacted by that.

Whilst we can plan for development and address flooding in newer areas, it's more challenging for us in our older areas such as Camden town centre. That's where, for us, a proposal such as a buyback scheme for those properties that are most impacted would be most beneficial. Lesser properties can obviously benefit from initiatives such as house-raising initiatives, and council is currently considering whether or not that could be possible on some of our properties in Camden, and we're undertaking some consultation with our community.

We were discussing around—we recognise the funds required for a buyback scheme. We know that Camden is not the only area that is impacted by flooding. We were thinking that it would be good in terms of we need to think for innovative ways where we can support properties that are impacted. That may be ways such as transferrable development rights—incentives—which would still allow most impacted properties to be acquired and potentially their development rights transferred into another area. Camden is a growth area, and we're undergoing a lot of change. We're one of the fastest growing LGAs, if not the fastest, in the country. With that, if it's okay with the inquiry, my colleague Jamie is going to present some of our ideas in terms of tackling some of these issues in our growth areas.

**JAMIE ERKEN:** Just briefly, as Nicole touched on, in the new release areas, flooding can be managed, because they're obviously the newer areas. But in those areas there's probably urban heat that's the biggest concern. A lot of that, in terms of potential planning reforms, relate to the codes SEPP. You've probably heard from other people as well on this, but currently the exempt and complying development code has very limited design controls that prioritise sustainable building—so roof colour, pavement colour. The controls have limited rear and front setback. There is limited deep-soil planting and trees. Given the small size of properties—we are talking now of 200 square metres or 300 square metres—it's really hard even to get street trees out into the street. Trying to have some controls in the codes SEPP would help. It would also ensure that councils' local controls for DAs aren't out of step and there is not an equity issue. In Camden, I'd probably suggest the majority of housing is via complying development certificate. If councils have their own urban heat controls, the odd house where it's a DA would be held against that higher standard, but then the neighbours obviously have the lower standard in the codes SEPP. That's probably one of the planning reforms that could be looked at.

Urban sprawl is a bit more difficult. We love to encourage diversity in Camden. Unfortunately, current market conditions mean that it's really hard to get that higher density development such as flat buildings. At the moment we are dealing with block sizes that are getting smaller and smaller, which is simply a reflection of affordability. I think you'd be looking at average lot sizes these days circa 300 square metres to 400 square metres. Some are obviously smaller than that as well, which obviously makes it difficult to provide trees, particularly on

private properties. In terms of innovative incentives, sustainable building design can be expensive, or more expensive. Obviously over the life of the building there are savings, but it can be an impost for people particularly building in areas such as Camden. Whether or not there can be incentives or rewards for people exploring more sustainable building designs, that's something we've also recommended in the submission.

**MATT GOULD:** Thank you very much for your time today and for listening to the challenges we are facing. A little bit of background to Wollondilly. We are the very outer fringes of Greater Sydney. We have a foot in regional New South Wales and a foot in Greater Sydney. The challenges we face are a little bit of both. My shire is 2,560 square kilometres. Of that, approximately 85 per cent has been classified as bushfire-prone land in the latest updated mapping that has been done. We have a long history of significant fire impacts, particularly on our urban fringe, and we are seeing the intensity and frequency of those—sadly—increasing.

If we look to the 2019-20 fire season, we were very lucky within Wollondilly that we didn't end up with a mass-casualty event because we had traffic that was backed up for kilometres and kilometres on Remembrance Drive, unable to get out. If it wasn't for the fact that the wind changed, we would have had a whole heap of people trapped in their cars. The reasons for that are severalfold. Firstly, the infrastructure has just not kept pace with the growth that we have seen in Wollondilly; and secondly, there is a lot of work that needs to be done in the space of the cumulative impacts on bushfire planning. Often when we are looking at bushfire planning they look at the initial development that has been put forward, and the planning for bushfire protection provisions look at how to make sure that those people can get out and get to a main link road. What isn't looked at is the cumulative impact of when you've got that and the development next door and entire villages.

In the case of Wollondilly, if you have a catastrophic fire danger day and we have the advice of, "Everybody needs to leave if you are in a bushfire-prone area," that is entire villages for us. If you are going somewhere safe, you are looking at going to Narellan or Campbelltown or Penrith, where we are talking thousands and thousands of people seeking to relocate. We simply do not have the infrastructure to do that in a timely way. When we have fires, people—unfortunately—have a tendency to not leave until it's a little bit later than they should, and we get the problems that we saw in the 2019-20 season where they are trying to get out and the infrastructure just cannot support getting them out in a timely manner.

I think one thing that does need to be really looked at within the planning system is how those risks at a cumulative scale are assessed and measured and mitigated, because at the moment there is a very clear gap that we have there. My shire is also very flood-prone. I think we are up to our fifth disaster declaration in the last four or five years. We have acute flooding issues within Picton in the CBD and, to be frank, you would not build a village in Picton where it is now if we were working from a greenfield site. This is a bit of a historic issue that we need to address. There is a lot of challenges that need to be addressed there, as far as the flooding and how that is managed.

Elsewhere within the shire, approximately—on the flood work that we're doing at the moment—one in three of our lots are flood affected. Similar to bushfire, whilst we look at the detail of a specific lot, the cumulative impact and what that means is not well looked at. It is not uncommon for our communities to—maybe their property themselves are not flood affected, but they become flood islands. They are cut off and are then a whole heap of work for our emergency services to try to get people out before they get cut off and to properly manage, and once again that cumulative impact is not looked at in an effective way. The entire north of Wollondilly during any major flood event will be cut off and will be isolated because the bridges that connect us to Greater Sydney all get cut off across the Nepean, and it is not uncommon for the entire north of the shire to have to either funnel their way down through Picton, which gets flooded itself, or to be entirely isolated.

If you were looking at an area like Warragamba or Silverdale—whilst Warragamba and Silverdale themselves don't flood, they can become isolated for a number of days. And the detour for them—when it is open, you are looking at, at best, a 2½-hour detour to get around on roads that are not designed to be taking bulk traffic. So I think we really do need to be looking at the broader challenges that come with the cumulative moving of a large number of people.

One of the other emerging issues that we are really seeing—and my colleagues from Camden touched on it—is this urban heat island effect. Wollondilly has two State-mandated growth areas. In those State-mandated growth areas, we see a very different style of development to what we've seen elsewhere in the shire. We know that the urban heat island effect can cause temperatures to increase by 10 degrees higher than they would otherwise be, and we have put an awful lot of effort into trying to mitigate that in the early planning stages. We have, through a lot of work, been able to get a 40 per cent tree canopy target for Wilton, but one of the challenges that we're seeing is that the lots are so small that they often can't put trees in there. So we're having to try to put them as street tree plantings, and the effectiveness of that is challenging, to say the least.

I think that there is a lot of work that needs to be done when we're looking at how we address that urban heat island effect where, at the moment, you get the biodiversity offset for a block of land, and that's all that's considered, and they can then clear every tree that is there. Consideration of the value of those mature trees to help mitigate the heat island effect is not considered within the planning framework at the moment, and I think that that is something that really needs to be looked at because those mature trees take decades to get to the point where they are. At the moment, we're just seeing them be completely cut down indiscriminately.

Finally, I guess—and it's an issue specifically for us when we're trying to balance some of the challenges—Wollondilly is also home to a large amount of threatened species, be they koalas or, otherwise, threatened ecological communities. Often where we're seeing the growth, there's the interface between those two areas, and it's a real challenge and real balancing act, trying to—how we protect those communities but then also try to mitigate the bushfire risk and the other risks that come from having those areas in close proximity. I think there is a lot of work that could still be done in that space too. Thank you.

**The CHAIR:** Thank you. Just going to one point you said, Mr Erken, earlier, about new release areas or new development—that flooding can be managed—are you currently working with existing flooding models and policy? Or have you also been required to adjust that to be factoring in probable maximum floods?

**JAMIE ERKEN:** Planning proposals generally, these days, need probable maximum floods dealt with as part of the planning proposal process. In Camden, it's the old areas in Camden, near the Nepean River, that are flood affected. In the new release areas, through the precinct planning process, flooding is addressed at the rezoning stage, which means that typically the residential lots are above the 1 per cent with freeboard. And then you deal with issues such as the safe evacuation access.

**The CHAIR:** Are you satisfied with the current data that you have available?

**JAMIE ERKEN:** Council does quite a bit of modelling. We have recently done some Upper South Creek and Nepean flood modelling as well. Council is comfortable with the modelling that we've done to date, yes.

**The CHAIR:** We've just had different views of different councils about where they are at. It sounds like the greater the flooding challenges, the less reliable the data is. It's a consistent theme so far.

**JAMIE ERKEN:** I would say that I'm not in the flooding engineering section. We've done quite a bit of work, but the work, as I think is touched on in our submission, is quite resource intensive and, obviously, things move quickly. I suppose it's hard for a local government to be completely up to date with the flooding information they have, just because they are such large projects and they run over such a long period of time.

**The CHAIR:** With Wollondilly, are you satisfied and are your staff satisfied with the current data and modelling on flooding that you have or is it something that is an area that you are struggling with as a council?

**MATT GOULD:** It's an area I think that we are struggling with. We are doing a lot of work at the moment ourselves on trying to properly map the flood risk in Wollondilly, and that hasn't been done on a systemic level for our shire before. We do think that there is a requirement for the undertaking of an updated and detailed flood analysis that incorporates the most recent climate change projections prior to the granting of approvals. One of the challenges we also see at times is this zombie DA issue, where you may have something that was approved 10 to 15 years ago that has been sitting there and hasn't necessarily been assessed against modern standards, and then the impact of that.

**The CHAIR:** That is an issue for you in your LGAs? We've heard a lot about zombie DAs and we understand now that they are very broadly characterised and they can manifest in many different versions. But that is something that is coming up for you as a council?

**MATT GOULD:** Very much, particularly in the bushfire risk management space of trying to address that when a rezoning may have been granted with a DA 15 to 20 years ago, in some cases, and it has just sat there for whatever reason. When it then comes forward, it's got the DA consent so long as they have put pegs out at some point. There's not much that can be done about it at that point, unfortunately. It's a real issue in some of our villages.

**The CHAIR:** Does Camden have a similar experience?

**NICOLE MAGURREN:** We would have some approvals that have been issued that haven't been enacted that wouldn't be to the current standards in terms of flood risk management.

**The Hon. JACQUI MUNRO:** My question is around the growth areas, particularly for Wollondilly. You've identified in your submission Wilton and Greater Macarthur and also noted that those areas might not actually be suitable for growth, given that they are wildlife corridors and they have some ecological value. Are

there alternative options for growth areas or ways that your council has identified to mitigate the impact of population growth in those areas?

**MATT GOULD:** I think it's a very real concern. If you look to us, for our growth areas, that's a tripling of our population at Wilton and Appin. One of the big challenges that we are facing with the whole process is that we are not contiguous with Sydney, so all of the infrastructure that is required needs to be put in from scratch. To be frank, we are not seeing sufficient infrastructure investment to provide for what is needed for one growth area let alone now having two growth areas that are competing for that same pool of funding. That causes a huge range of issues, but particularly within the scope of the planning system and emergency evacuation.

If you look at somewhere like Appin, for instance, the data there says that, in the event that we had to evacuate that entire area, we would be looking at something like 11 hours, which is woefully inadequate. Whilst that will gradually change as the area grows and there will become a threshold point where it can become a safer area in and of itself, we've got significant concerns around the transition and how we make sure that happens and how we make sure that there is sufficient firefighting water and sufficient road links so that, if we do see fires—and Appin does have a long history of fire—we can make sure that the community is safe, not only at the end point when it's all developed but throughout that process.

Because we're looking at having wildlife corridors throughout that Appin growth area, those corridors are critically important and I think we need to be doing more to protect them. But the fact is they also act as avenues for which fire can get into and impact on those communities, and trying to make sure that those two things are balanced, I think, is a great challenge and one of many concerns that council has in that space.

**The Hon. JACQUI MUNRO:** Would you say that it is preferable at the moment to increase density in existing towns or that there is an appetite to spread those growth areas more broadly—not necessarily urban sprawl but increase medium density in more places or have a higher density in a few places?

**MATT GOULD:** I think, broadly, increasing density in areas that already have access to the infrastructure is the smart thing to do. I do think, though, that that can't come at the expense of where the Government have already made commitments. So Wilton is occurring. Whether we like it or not, the State Government has made that decision and Wilton is going to go ahead. We need to make sure that it gets sufficient investment and gets the infrastructure that it needs to make that area work. That said, the position of my council is very clearly that Wollondilly's growth should be focused at Wilton and we don't want to see large-scale growth elsewhere within the shire because we see the benefit in focusing that growth within one area, particularly when we have all of our villages that have all of these various exposures and a complete lack of infrastructure to support any large-scale growth. I think it's a case of correcting—Wilton is happening. We need to deal with that fact but, if we're moving forward in how growth should happen, putting it out on the very outer fringes of Sydney where there is no existing infrastructure is not a recipe for success in my view.

**The Hon. JACQUI MUNRO:** You would suggest that other local government areas are better equipped to take the density and population growth?

**MATT GOULD:** Absolutely. I think all councils need to do their bit. I think Wollondilly—we have 12,000 lots that have been rezoned at Wilton. We're happy for that to be our contribution to addressing the housing challenge, but we need to see the investment in infrastructure to support that and that should be where our growth is rather than having all of these small-scale, hit-and-miss things all over the place that divert the effort and energy of our staff and of the infrastructure agencies from actually being able to focus in and deliver somewhere where it can be done in a meaningful way.

**The Hon. JACQUI MUNRO:** A question for both councils: Do you have an understanding of the zoning that you've got at the moment and also development applications that have been approved—so two different data points. Do you have an understanding of the potential dwelling capacity in terms of the zoning that you've got now? That's the first question. If you do and you don't know an exact figure or range, could you take that on notice please?

**JAMIE ERKEN:** We could certainly take it on notice, but every new precinct has dwelling targets and an expectation of what the density will be. The actual figure doesn't always match the predicted once it's developed but, yes, every new release area has a predicted population.

**MATT GOULD:** For us at Wilton, there's a target of 15,000, of which 12,000 have been rezoned. For Appin, it's a total of 19,000, of which 12,900 have been rezoned.

**NICOLE MAGURREN:** Could I just add that at Camden Council we're currently considering planning proposals under assessment. I think we have six, which would deliver over 20,000 dwellings, including

Leppington town centre, which has got a capacity for over 11,000 dwellings just in the town centre. But, to Mayor Gould's point, Leppington has a train station.

**The CHAIR:** Can I just ask you about koalas and the developments. Do you think that at this point in time the State Government is providing you with what you need to look after those populations of koalas in your local government area, or does something need to change in the planning system that could help you better protect koalas?

Where are we looking, given the upper House inquiry found that koalas are likely to be extinct by 2050, unless we do a lot differently to protect them? I'm curious because I feel like you're sitting on the front line there.

**MATT GOULD:** I think more needs to be done, both in terms of protection of the habitat but, critically, the movement corridors and making sure that they are of sufficient width. There is a lot of toing and froing on the benefits of the koala fencing. On a day-to-day basis, the koala fencing is very useful to helping minimise road strikes and the like and dogs getting in. Unfortunately, though, the evidence would suggest that when you do get a fire in there, the fencing then becomes a little bit of a deathtrap for them. So it's important that we have not only the koala fencing but the overpasses and the underpasses, and the movement corridors within them, so that they can actually move around safely, and when there are things like fire they have the opportunity to relocate, because otherwise we're going to try to save them and end up killing them en masse because we haven't given them places to move when we do get fires.

Wollondilly has been trying to finalise our own koala plan of management for several years now, and we haven't been able to because the guidelines from the State Government haven't been finalised. That's an issue that we've raised with the Minister recently and we were given an undertaking that it would be addressed. But we really do think that there's a need for a revised planning system to reflect the finding of the statutory review of the Biodiversity Conservation Act. I do think the Committee should consider and provide recommendations to address shortcomings in the planning framework in so much as it relates to biodiversity loss, based on all the available information, and look at the biodiversity management document, including inconsistencies on the sections around koala corridors and the advice from the Chief Scientist and Engineer—so making sure that we get those minimum widths for those corridors, as recommended by the Chief Scientist.

**The Hon. ANTHONY D'ADAM:** Perhaps you could unpack this for me. You've spoken about declining block sizes and the consequential impact that has in terms of having trees on private property. I think you said you had 12,000 blocks rezoned. Firstly, what's the mechanism in terms of how block sizes are regulated? That's not a council thing for new developments. Is that right? It's done at a State level through the department of planning?

**JAMIE ERKEN:** In the growth area we have a State policy that dictates controls. Typically, you have minimum density in certain zones, and there's also a minimum block size. Those two controls together dictate what the ultimate block sizes are. Three hundred square metres is the mapped minimum block size. I would say the average block size these days would be in that 300 to 400 square metre mark.

**The Hon. ANTHONY D'ADAM:** Does that policy also fix the proportion of the block that can be covered by hard surfaces?

**JAMIE ERKEN:** Councils have controls, primarily in the DCP, for dictating the hard surfaces landscaped areas. Then the codes SEPP, which is a State policy, has controls for complying development. Sometimes the controls in the codes SEPP might be out of step with what councils are trying to achieve in their DCP in terms of landscaped area or site coverage.

**The Hon. ANTHONY D'ADAM:** In the case of, say, the 12,000 blocks that have been rezoned in your municipality, Mayor Gould, what can be done to retroactively address this question?

**MATT GOULD:** In our case, our LEP and our DCP apply for most of the shire, but within our two growth areas, because they're State-led areas, they have their own planning framework. In Wilton in particular, they've used urban development zoning, which is very, very flexible as to the outcomes. And, as my colleague said, it looks at density. We have fought really hard in the neighbourhood plans for Wilton to make sure that the DCP controls there have a higher tree canopy cover, and the goal that was agreed is a 40 per cent cover. What we are finding, though, is, in reality, seeing that being delivered is problematic when you have lots that are so small that they have no capacity to actually have a tree on the block because the block is the size of a postage stamp. So we've been doing a lot of work in street trees and trying to make sure that's addressed.

Also, we've been doing a lot with water-sensitive urban design to try to get these corridors where we can have trees. But there needs to be some more work done in these lots to make sure that the lots are at least big enough to have a small and medium tree in them, to help address this. We know that the tree canopy is one the



biggest thing we can do to mitigate the urban heat island effect, and at the moment it doesn't feel like it is given the same importance as things like bushfire risk and flooding risk are, and it is probably the biggest emerging challenge that we have in these growth areas.

**The Hon. ANTHONY D'ADAM:** One of the issues with planting trees on private property is the impact of roots. I'm aware that in some circumstances the warranty on your slab is actually contingent on the distance that you can plant a tree close to—what can we do to address that disincentive to people planting on private property?

**JAMIE ERKEN:** I think it's difficult with the lot sizes and the setbacks. As I mentioned before, under a complying development certificate, you only require a three-metre rear setback from your boundary for the smaller lots. Obviously, when you've got a three-metre deep backyard and a courtyard that's 25, 30 square metres, it's very difficult to plant a tree in such small backyards. Similarly, the front setback is also three metres, with an articulation zone for other building elements, which really makes it difficult to plant trees.

**The Hon. ANTHONY D'ADAM:** How do you address that? I mean the lot sizes.

**MATT GOULD:** There are technical solutions that can be used. For a lot of our street trees in these areas, for instance, you put them in root boxes that direct the roots in certain directions. Things like that could be looked at for private holdings. I think part of the thing that we need to look at is if we're going to be having these lots that are so small, then we need wider setbacks at some point so that we can actually accommodate trees, and how we protect the existing trees that are there. One of the things that we're seeing happen when we're trying to get this 40 per cent coverage is putting 100 trees in one corner and then going, "Technically, we've met the tree coverage." That doesn't actually achieve the objective that we're seeking because it's about having the shade and having the coverage throughout the site. So we need to be planning these new communities in ways that actually do allow for a reasonable level of tree planting, be that a combination of large street trees but then also shrubs and smaller trees within the block, because if we don't achieve something there, then this urban heat island problem is just going to get progressively worse.

**The Hon. ANTHONY D'ADAM:** We're basically hard baking into the system treeless blocks. Effectively you can't have trees on whole swathes of suburbs because of the block size and the subdivision.

**JAMIE ERKEN:** That's correct. It's compounded by, like I mentioned before, the fact that there are no controls around roof colour or pavement colour, which then adds to the urban heat.

**The CHAIR:** Could I ask you on that—I asked the councils before—did you have any view on the Design and Place SEPP?

**JAMIE ERKEN:** That was an issue for the State Government that has no longer been pursued. But that was looking to have controls to add to that. I don't have a policy position on it, but it was looking to value-add in that regard, which would have been a good thing.

**The CHAIR:** With these things that you're finding, from a mechanical or operational perspective, as councils, are SEPPs a good way to deliver these controls that mean that you're not then imposing them yourself and facing stand-offs in the Land and Environment Court—or the planning panels are? Do you have a view on other mechanisms, or have you got a secretly preferred, desirable best mechanism to achieve these things?

**JAMIE ERKEN:** I think SEPPs are good because it gives consistency, then, across the board. As I said, the issue you can have is that councils can have local controls but then if the SEPP doesn't follow the local controls, then they're out of step. As I mentioned before, the majority of housing in Camden would be approved under State policies. So if we change local controls, that might change some of the housing, say 20 per cent, but then the other 80 per cent are governed by the State controls. So I think to make sure local controls aren't out of step with State controls, a SEPP is a good mechanism.

**The CHAIR:** When you say that, you're referring to mostly exempt and complying and private-certifier? That's where most of them, the bulk—

**JAMIE ERKEN:** That's correct, complying developments and exempt development. Yes, having complying development under the codes SEPP, that's correct.

**MATT GOULD:** I think SEPPs have their place. I agree with my colleagues from Camden. One of the challenges you have is where there are multiple pathways, so developers will take whatever gives them the outcome they are seeking so you can often get very different design outcomes and I don't think that is desirable. But I think it is a balance between having local provisions that address the local needs and having broader regional approaches. One of the challenges that we often see with SEPPs is they seem to lag a lot more than controls that local government will put in. So we may identify, for instance, the need for street trees and we make those changes,

but then to get something like that implemented broadly across a SEPP takes a very, very long time. I guess if we are going to be looking at a more SEPP-oriented solution, it's how we make sure that they are being responsive. Or do we look at a system where SEPPs set a baseline but then they also have to comply with whatever the additional DCP or LEP conditions of that council are?

**The CHAIR:** Your view then is giving a DCP a bit more power and a bit more muscle. Is that what you're suggesting there in your desired approach to get these very important outcomes on the ground?

**MATT GOULD:** Yes, I think so. I think if we have SEPPs that cover the baseline but still allow councils to be able to be flexible to their local needs and that you have a provision where those specific council needs have to be addressed even if they go down the SEPP line would be advantageous because at the moment they'll quite often take the SEPP which then lets them just skirt around anything the council has put in. That to me seems to be where the challenge is where we want something that is actually consistent across the local government area.

**The CHAIR:** To achieve that, to make a DCP more enforceable, it would need to be provided not simply in the LEP. It would have to be either a SEPP that prescribes that the DCP is enforceable or within the Environmental Planning and Assessment Act itself. Is that your understanding of the mechanisms?

**JAMIE ERKEN:** Yes, that's correct. The Act would have to be changed because at the moment a DCP must be completely consistent with the higher policies, and so, yes, you're exactly right.

**The CHAIR:** We've come to the end of our session. Are there any final things you'd like to say?

**NICOLE MAGURREN:** I was just going to add in terms of examples, I agree if we had in the SEPP some local controls that are mandatory that councils could add. If I think about some of our early growth areas in Camden, Camden has been a growth area since 2006—it was declared—but some of our suburbs which are really green and produce really nice outcomes, they were prior to the codes SEPP, so it was through the DCP. But in addition to that, the actual developers themselves had design guidelines that if you purchased into that subdivision, into that suburb, you had to also meet their design guidelines. So some of our leafier and I guess much nicer suburbs to now go and visit where it has been some 20 years along where we've got some lovely established trees and streetscapes—they've been in suburbs where a developer suite of guidelines, design guidelines, have supplemented the council's DCP controls, and they've historically worked really well. But of course now the codes SEPP would override the DCP and those guidelines.

**The CHAIR:** So are you suggesting there—I suppose it sounds trite—if a developer's not required to do something, they're not going to do it?

**NICOLE MAGURREN:** Actually, I'm suggesting that we've been fortunate, and even now in some of our newer precincts, we work hard with developers and they want established street trees; they want them retained.

**The CHAIR:** So how are you suggesting the codes SEPP is now circumventing that initiative?

**NICOLE MAGURREN:** Because that doesn't commit people to comply with the DCP. Legally they're guidelines the developer had placed on when they were selling the lots. But people now are aware, in terms of the codes SEPP is also going to be a cheaper opportunity or avenue for them to go down, so they'll price point—

**The CHAIR:** So they don't have to do—

**NICOLE MAGURREN:** No.

**The CHAIR:** Thank you very much for your time and for coming today. If you did take anything on notice, the secretariat will be in touch with you about that.

**(The witnesses withdrew.)**

**Ms SANAA SHAH**, Community Campaigner, Sweltering Cities, affirmed and examined

**Ms SHAILJA CHANDRA**, Multicultural Communities Campaigner, Sweltering Cities, affirmed and examined

**The CHAIR:** Thank you very much for coming today and giving time to provide evidence to the inquiry. Do either of you have an opening statement you'd like to make?

**SANAA SHAH:** Yes, I have an opening statement. Sweltering Cities is a health NGO that works directly with communities impacted by extreme heat to advocate for more liveable, equitable and sustainable homes and cities. In the last four years we have engaged in thousands of discussions with affected communities such as those living in Western Sydney that are disproportionately burdened by extreme heat. This region holds higher risk factors—including age, disability and socio-economic status—and also environmental and geographical factors that make it up to 10 degrees hotter than surrounding rural areas or cooler coastal suburbs.

Heatwaves are already Australia's deadliest environmental disaster, and these existing vulnerabilities in some of the State's frontline communities will result in increases in heat-related illness and mortality, as multiple recent Australian-based studies show. We are therefore advocating for easily solvable measures that will make their homes and neighbourhoods more liveable and equitable. We urge that the New South Wales Government set a localised, equity-focused tree canopy target that will increase the green cover in hot suburbs, where it is needed the most, and not an overall target for the entire city. This is a seemingly simple request that people across Western Sydney express to us when we ask them what measures could be taken to make their suburbs safe during heatwaves.

Some of the hot suburbs we work with are also rapidly growing, with thousands of new homes and infrastructure projects planned in the coming years. We think there are significant opportunities to change how planning and housing regulations are approached, which would lead to lasting benefits for residents in the future and also align with the net zero goal that the Government has set out. This is crucial, as climate change is expected to exacerbate extreme heat, making it more frequent, intense and prolonged in the Western Sydney region. To this end, we are advocating for energy efficiency standards and tools to utilise current and future climate data. Our recent report revealed that the planning system currently uses climate data from 1990 to 2015, which excludes the nine hottest years on record. We should not be building for a climate that no longer exists.

Last week Sweltering Cities also released the hot roofs report, which found that dark roofs compound the urban heat island by making the temperature of the local area increase by up to seven degrees. We recommend that the New South Wales Government prioritises updating the BASIX regulations to ensure that individuals, builders or developers using any method of certification cannot design new homes in Sydney that have dark roofs. Any new black roofs are inconsistent with the goal of cooling the city, preventing heat deaths or transitioning rapidly to a clean energy future. We are advocating for simple, cost-effective reforms that will futureproof homes and suburbs disproportionately affected by extreme heat. All of these reforms are supported by community members across the State who are worried about the impacts of climate change and want to see better planned cities. It is now time for the State Government to invest in and create urban infrastructure that keeps our community safe during heatwaves and other climate change impacts now and in the future.

**The CHAIR:** We'll ask some questions, if that's okay. Thank you very much for your submission; it's very helpful. I note one point about that, where you refer to the Western Sydney airport in particular as a development that you say will increase heat. I think it's fairly uncontested that it will increase heat. Could you share your experience? Have you tried to influence the outcome around that? Are you doing that as an organisation or as an advocacy group? What does that look like?

**SHAILJA CHANDRA:** Not necessarily the airport. I don't recall doing an inquiry or a submission for the airport. But we have been working with communities very closely, and also advocating for all of the aspects related to the suburbs that surround the airport. Working with the community allows us to encourage them to also be the voice of their concerns, so we take our advocacy and working with the communities through our heat forums quite seriously. We believe that by upskilling them in terms of their own voice will also contribute to heat-safe cities and suburbs.

**The CHAIR:** I understand that now. That makes a lot of sense. In relation to the changes to the planning standards, can you explain the experience that you're hearing the community has? It seems like—and we have heard from other witnesses today—we all know what we need to do as a minimum. What are the things, and what is the experience, as to why we're not doing that?

**SHAILJA CHANDRA:** Our summer survey report is where we are listening to the communities and hearing a lot from them. We have got lots of stats that my colleague Sanaa will talk about. But in terms of planning regulations, there are two asks that we present today. One is about hot roofs, which comes up very regularly in

our summer surveys as one of the measures that the community would like to change, where they can have the option to pick a lighter colour. That's one of the easiest and is a very simple measure. The other ask that we propose today is looking at futureproofing our energy efficiency standards, in particular the NatHERS and similar standards, and the National Construction Code, which requires the minimum energy in section J. As Sanaa mentioned in her opening statement, currently those tools recall and work on climate data which is from the 1990s until 2015, which excludes the nine hottest years on record. The intensity, duration and frequency of extreme heat is only going to increase in the coming decades. We've just done a report where we required those data to be updated. This is something which is—perhaps the people who are affected and living in hot homes do not directly understand the impacts of some of these measures.

Some of these measures also apply to new buildings so we are advocating for the growth areas particularly, where we are looking at thousands of new homes to be built in the coming decades. People living in those homes will have benefits from these revised or updated climate data to our energy efficient standards in the coming 30 to 50 years. In terms of existing homes and people living in the existing stock of our cities, we are looking at hot roofs in particular, and advocacy around hot roofs. Through our Summer Survey there are many mentions of that, as I mentioned, but also our recent report is being discussed quite widely currently. We just released it last week and there have been a lot of responses.

**The CHAIR:** This is the one that involved the experiment and the 10 degrees hotter. I saw that in the media last week.

**SHAILJA CHANDRA:** That's right.

**The CHAIR:** Just focusing on the new roofs for a moment, is it your view that we should literally only be allowing people now to invest in those lighter roofs and what's defined as a cooler roof? With the older roofs, what are some of your suggestions around what we do?

**SHAILJA CHANDRA:** With the existing roofs, it becomes slightly more challenging than the new roofs but there are still retrofitting options available to those who may be going through a retrofit cycle. There might be a maintenance coming up where they may have a certain budget which could be put into retrofitting. We suggest, if there is enough budget, replacing the roof to a lighter colour but if that's not as possible, there are some cool paints available which work quite effectively to reflect a certain amount of heat. There are also other, simpler ways to achieve a cooler roof cavity temperature. That includes a whirlybird, for example, or some other ways of ventilating the roof cavity, and also putting some extra insulation or sarking—that's also something that can be simply done. Those are some of the things we are suggesting. Of course, there is always the tree cover argument but that can take a decade before our roofs can be covered by a good, big tree.

**The CHAIR:** Have you had any input or suggestions about whether there could be an investment scheme or an optional scheme from which lower income earners could access funds to be able to make those retrofits? Is that something you've looked at or considered?

**SHAILJA CHANDRA:** There are a number of existing retrofit funding opportunities but we'll take that question on notice as to whether or not they are available to residents and whether they have to keep track of and record the benefits or carbon emission reductions or other benefits for them to be able to avail that funding or not.

**The CHAIR:** With the report that you released, are you able to provide a copy of that to this inquiry?

**SHAILJA CHANDRA:** Of course.

**The CHAIR:** Thank you. As I said, the secretariat will in contact about that.

**The Hon. JOHN RUDDICK:** Thank you for coming here today. I'm looking at your website. The opening line is "Heatwaves are Australia's deadliest environmental disaster and cause more deaths than all other disasters combined."

With respect, I'm sorry, but you are misleading the public. *The Lancet*, the most respected medical journal in the world, has found that for every one person who dies of a heat-related cause in Australia, 12 die of cold. It does get very cold here in the western suburbs. We have snow nearby. This report says that that death rate from dying of cold in Australia is twice as high as what it is in Sweden because we've built our houses as though we're preparing for our hot summers, but we're neglecting our very, very cold winters. If it's a 12:1 fatality ratio, I know it's not a trendy subject but this is the reality. I do think that you are misleading people and saying that we're having this massive spiral of death because of heat. I would be keen to see what your response is to that.

**SANAA SHAH:** I would love to be directed to the study that you're referring to.

**The Hon. JOHN RUDDICK:** Sure.

**SANAA SHAH:** Obviously, Australia is a large country. Places in Victoria get very cold; you know that. None of our reforms that we put forward today are not meant to be generalisable. Especially in Western Sydney, I think it would be very hard to find studies that will show in the coming years climate change is going to make Western Sydney cooler rather than hotter. Again, a lot of our advocacy is focused in—

**The Hon. JOHN RUDDICK:** On future speculation about what might happen to the climate.

**SANAA SHAH:** Yes, but—

**SHAILJA CHANDRA:** There's evidence of record hot temperatures. As I mentioned, since 2015 we've had nine hottest summers on record.

**The Hon. JOHN RUDDICK:** I dispute that. We've still got a 12:1—I'll very happily send you *The Lancet* report. Everybody in the world knows that the cold is far more deadly than the hot. That's not something that we need to do a lot of research into. I know it's not the trendy subject, but I would encourage you—your Sweltering Cities thing has been around for a few years; I'm not sure where you get your funding from. We want to be based on empirical reality. We want to care about those people that are dying. It does get very, very cold here and in the mountains in the middle of winter.

**SANAA SHAH:** Of course. Could I also ask what year your study is from, *The Lancet* paper?

**The Hon. JOHN RUDDICK:** It's 2015.

**SANAA SHAH:** So 2015? Perfect. A recent 2023 study by the Australian Institute of Health and Welfare shows that extreme heat was the largest contributor to any extreme weather-related injuries and mortalities. Also, in that 2015 paper, I would just like to confirm that it is definitely Australia-based and not getting data from other countries?

**The Hon. JOHN RUDDICK:** No, it was a worldwide study. They included 15 countries, and one of those countries was Australia.

**SANAA SHAH:** The studies we refer to are Australia-based. We're an Australian-focused advocacy group. It gets cold in Europe. We're not interested in that. We're interested in Australia and in Western Sydney, specifically.

**SHAILJA CHANDRA:** I want to add to what Sanaa provided. We actually go by New South Wales State Government websites. AdaptNSW lists out all the heatwave-related facts, and I can read out from the website where it is mentioned that for Australia, heatwave is the biggest natural disaster which kills more Australians combined than all disasters: bushfires—

**The Hon. JOHN RUDDICK:** You're referring to disasters. You can say there was a disaster this week of flood or a cyclone or something. The cold is something which is very general, but it does affect a lot of people—a lot of old people—and it does result in a lot of fatalities.

**SANAA SHAH:** Of course.

**The CHAIR:** Can I ask about the tree canopy and tree cover? We've heard a lot of consistent evidence that councils are really struggling to require developers to place trees because lot sizes are getting smaller and smaller. Have you heard innovation or visionary solutions around what we can be doing better? Certainly, we need to perhaps be amending all of these regulations that are allowing development without tree placement in adequate canopy. Are there any other things that you've heard or that you could suggest or provide to us?

**SHAILJA CHANDRA:** There are rewilding and similar pocket-sized innovations, but I think the biggest responsibility and onus does sit with the builders, with the developers. We did hear from the previous inquiry that sometimes the only way to push them is to mandate some of these planning controls. But I do want to mention some of the tools that are very popular, such as the Green Building Council's Green Star Communities tool, the Infrastructure Sustainability Council's IS tool as well, and a new rating tool that's coming up called Cool Suburbs. Sweltering Communities is part of the Greater Sydney Heat Taskforce; we are on the steering committee. As part of the taskforce we are looking into the development of the rating tool called Cool Suburbs. Again, of course, these tools are not enforced, but they do give developers an incentive because there is a direct benefit when a consumer is shopping around for a better home or a more livable home. If it is rated to a five-star rated green star community, they are likely to opt for those houses, but also they may pay a little bit of a premium if they are convinced that this tool does bring benefits.

I have known from my experience in the sustainable buildings area that developers can really package it up as a great community initiative and can sometimes ask for premium prices and come together with a win-win solution. Sometimes innovation lies in the way these home and land opportunities are packaged up. There might

be also innovative ideas such as equitable housing—how they are really balancing the whole density so that all economic backgrounds can have a house in the new community—and also looking at wellbeing or fitness opportunities. Together they might come up with an area where it was a wasteland but they put in some money to make that wasteland a more fertile land and then develop houses around it which actually have a beautiful view of the wasteland which is actually now a green pocket. There are opportunities for innovation in the way they are pushing their thinking, rather than just technological innovation.

**The CHAIR:** What's your view in terms of any large canopy tree? Have we got to the point where we should be suggesting that we need to retain all of them in particular areas?

**SHAILJA CHANDRA:** Yes, there are a number of great initiatives that the State Government has, and I just wanted to mention them as well, such as the *Greener neighbourhoods guide*, the Greening our City program and, most recently, tree canopy data that has been made available from November 2023. But to your point of bigger tree cover, we are looking at those tree covers where they are needed. This study that I was looking at highlights that the councils that do need the greatest increase in canopy area are Sydney's western and central-city areas—Blacktown, Liverpool, Penrith, Campbelltown, Camden, Canterbury, Bankstown, Cumberland and Fairfield.

We believe that, especially for these growth areas, there should be some minimum requirement to retain a certain percentage that meets our target of a 40 per cent citywide average, which currently is very lopsided in terms of the tree cover not being where we truly need it—where the dark roofs are, where the dark bitumen is and where there are very high-density areas. Yes, we would like it to be more equitable, and also definitely focused on the communities which are currently suffering from the urban heat island effect.

**The Hon. ANTHONY D'ADAM:** In your submission you say that every lot should have space for trees. I'm not sure whether you were here when Blacktown council was giving its evidence, but one of the issues was just that there is, in some communities, a hostility to trees and that means that even if trees are planted in the initial development, they are neglected or damaged intentionally. What can we do or what work are you doing around trying to shift attitudes that might support tree retention?

**SHAILJA CHANDRA:** That's a really good question, I think.

**SANAA SHAH:** Yes. I think, just to start off, obviously, a lot of our advocacy—we don't often gauge hostility from the community about trees. One of the most popular responses that we get in our summer surveys is, "We need more trees. We need more trees where people live." Also, just previously we were talking about the tree canopy target. We had so many people from Penrith, who are doing a pretty good offsetting tree-planting scheme, but the issue is that a lot of those new trees that are planted are in reserves that are far away. While Penrith Council will overall have more trees, it's not where people are based. I guess the equity-focused tree canopy target that we talk about, there are varying dimensions of it, not only in Western Sydney suburbs but also making sure that we're not putting trees in distant places where people aren't, because then we're not reaping any of the benefits from shade and other.

**SHAILJA CHANDRA:** In terms of people's—like you said, that they sometimes intentionally may be damaging the future tree cover, I think education, of course, is a big factor there, and I've been noticing the new YIMBY effect that's taken everyone by storm, and I think slowly similar social innovations such as YIMBY may be a good example of how people's perspective about, "Yes, in my backyard" will change.

**The CHAIR:** Thank you. We have come to the end of our session. Is there anything final you would like to say?

**SANAA SHAH:** No. All good.

**The CHAIR:** Yes. We're very grateful for your time and your evidence today. The secretariat will be in touch about those couple of matters taken on notice. Thank you very much.

**(The witnesses withdrew.)**

**The Committee adjourned at 13:00.**