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To Lodge a Submission:
<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/lodge-a-submission.aspx?pk=2987>

3 November 2023

Dear Ms Higginson

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

INTRODUCTION

Thank you for giving us the opportunity to make a submission to the Inquiry.

Friends of the Ku-ring-gai Environment (FOKE) welcomes this inquiry into the planning system. The urgency to protect NSW's natural, built and cultural heritage has never been so important with the impacts of climate change.

FOKE was established in 1994 to protect and conserve the natural, built and cultural heritage in the Ku-ring-gai local government area, located on the northern ridge of Sydney. FOKE is a member of the Nature Conservation Council of NSW and the Better Planning Network.

For over thirty years FOKE has called on successive NSW Governments to implement ecologically sustainable planning policies. FOKE has also called on successive NSW Governments to limit urban densification rezonings in environmentally sensitive bushland suburbs such as Ku-ring-gai, as they have been key drivers of environmental degradation.

The scale of the environment crisis has now intensified since FOKE was first founded in 1994. The cumulative impacts of urban densification policies have continued to degrade Ku-ring-gai's environmentally sensitive areas as well as others across NSW.

The scale and frequency of climate disasters continues to intensify with more extreme bushfires, flooding, storms, heat waves that are causing deleterious damage to human health and biodiversity resilience. Yet the NSW Government persists with a developer driven planning agendas that intensifies these environmental crises.

FOKE hopes that this Inquiry will result in ensuring that NSW has a planning system that can protect and restore natural environments and build resilient communities facing the climate crisis.

Successive governments have failed to implement strong environmental legislative protections in planning and environmental law. Current laws are now so weak they are incapable of protecting endangered species and returning ecosystems back to health. Over 1000 species on the NSW threatened species list.

FOKE argues that NSW needs a stronger, more accountable and robust planning system that have objective of protecting environmentally sensitive urban areas including Ku-ring-rai's remnant urban forests.

Land system changes from land clearing, tree clearing, deforestation and forest degradation are major causes of habitat and biodiversity loss in NSW. They also contribute to increasing greenhouse emissions and fuelling climate change with rising temperatures and increasingly frequent extreme weather events such as bushfire, floods, droughts and storms, and increases the spread of tropical diseases. Forests, bushland, trees and gardens play a major role in protecting biodiversity and reducing carbon emissions and curbing harmful climate change by capturing and storing carbon.

The planning system needs to ensure all new development is powered by renewable energy if we are to keep temperatures below 1.5 degrees Celsius. The planning system should ensure the electrification of all new residential development with solar energy, batteries, heat pumps, non-gas stoves and affordable electric vehicles, and support existing households to make that transition. Net zero emissions must be integrated into the planning system as well as sustainable practices including water tanks, recycling waste water and other sustainable practices.

Ecologically sustainable development needs to be core to NSW's planning system where conservation and environmental restoration and key objectives. Financial viability must not be the priority consideration for development.

Planning powers need to be returned to the local government with the required resources to do so. Concurrence approval from different departments needs to be ensured in the face of more intense and frequent bushfire.

Rezoning for medium to high density is a key contributor to climate change as it involves more concrete (a major greenhouse emitter), more energy (and if powered by coal or gas - a major greenhouse emitter) and more water (with less water in dams during sustained droughts).

Ku-ring-gai, as an urban forested garden suburb, is well placed to mitigate the effects of Sydney's heat stress. Its unique remnant Blue Gum High Forests are some of the best carbon capture in Sydney that keeps the city cool as well as improving its air quality. Sydney is one of the few global cities in the world that is surrounded by bushland suburbs, and national parks, as in Ku-ring-gai. They are also home to an amazing diversity of threatened species that rely on this habitat for survival.

FOKE challenges the paradigm of continual growth. FOKE views that continuing economic growth is an unsustainable^[11] that will lead to catastrophic unrestrained climate change. The indefinite pursuit of economic growth is destroying places of natural beauty and life forms. FOKE fears that Sydney's population growth will cancel out most climate gains from renewables and efficiency.

Sustainable ecological planning is urgently needed if NSW is to be safe, liveable and biodiverse.

Planning reform must ensure new developments are climate neutral by supporting the rapid transition to renewable energy.

Abnormally high temperatures, increased heatwaves and more dangerous bushfires mean that there must be 'no go' planning zones.

One of Sydney's last remaining wildlife habitats is in Ku-ring-gai and this national treasure should be protected by the NSW planning system.

A. Developments proposed or approved:

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

Ku-ring-gai has become more exposed to high bushfire risks as it is surrounded by three national parks and has bushland reserves. With a hotter and drier climate, bushfires are expected to increase in intensity, duration and catastrophe many of its suburbs- North Turramurra, East Killara, East Lindfield, West Lindfield, West Pymble, South Turramurra St Ives and North Wahroonga are exposed to high bushfire risk areas. These bushfire suburbs have limited road access. North Turramurra is particularly susceptible to bush fire and when there is an unstoppable bushfire and urgent and immediate evacuation of residents are needed it is difficult with traffic congestion and evacuating a high number of vulnerable older residents living in aged care and retirement villages.

Ku-ring-gai's bushland ridges and valleys landscape are also more exposed to flooding with severe storm events that bring heavy rain and cause flash flooding as seen by the 2019 tornado that swept through Gordon and Pymble felling trees.

With El Nino declared and a high bushfire risk upon us, Ku-ring-gai faces significant fire danger with Ku-ring-gai being surrounded by three national parks.

DEVELOPMENTS PROPOSED:

The context of this is that Ku-ring-gai will be facing more threat from rezonings within bushfire prone areas and other urban areas.

¹¹Overshoot is defined as the human consumption of natural resources at rates faster than they can be replenished, and entropic waste production in excess of the Earth's assimilative and processing capacity. <https://journals.sagepub.com/doi/10.1177/00368504231201372>

The Lourdes Retirement Village Planning Proposal, 95-97 Stanhope Road Killara 2071 planning proposal

This proposes to demolish and rebuild as a seven storey 'vertical' building up to 6 storeys in height with 63 new town houses to be built along the bushfire flame zone for non-seniors. This poses threats to lives of its most vulnerable older residents and the lives of emergency rescue personnel. FOKE is concerned about inadequate and flawed assessments by the NSW Rural Fire Service relating to this planning proposal.

We attach the [submission](#) prepared by lawyer Catherine Brady which outlines in detail the concerns we have as objectors to the planning proposal.

Lizard Rock

FOKE opposes the 'Patyegarang Planning Proposal' at Morgan Road, Belrose, known as "Lizard Rock" rezoning proposal because it will destroy precious pristine bushland habitat, put lives at risk from bushfire, destroy wildlife habitat and set a precedent to destroy more bushland at a time when we need our bushland more than ever.

If approved, the Lizard Rock/ Patyegarang rezoning will bulldoze 45 sports fields of pristine bushland to build 450 new dwellings.

Successive NSW Governments have allowed the proposal to progress, despite opposition from the Northern Beaches Council. If the rezoning for residential housing is approved, it will put lives at risk as it is a high bushfire zone. It will pollute and degrade the Narrabeen Lagoon Catchment. It will bulldoze irreplaceable wildlife habitat. It will destroy Aboriginal rock art. It will exacerbate traffic congestion. It will contribute to more greenhouse gas emissions, exacerbating climate change.

The public is overwhelmingly opposed to it, as indicated by a 12,000 signed petition to the NSW Parliament opposing the rezoning for residential housing in June 2023.

Approval sets a dangerous precedent for a total of 220 hectares of bushland across the Northern Beaches, including bushland at Ralston Avenue, Belrose. This has devastating implications for bushland in Ku-ring-gai, as the Ralston Avenue site adjoins Garigal National Park and wildlife corridors leading to St Ives, East Killara and East Lindfield.

DEVELOPMENTS APPROVED:

North Turramurra Recreation Area (NTRA) Sports Facilities

In October 22 the Ku-ring-gai Local Planning Panel approved the NSFA's development application (DA) to construct a large, 50m long building at the North Turramurra Recreation Area (NTRA), to house a grandstand, NSFA headquarters and other unrelated amenities, including an exclusive gym, café and media room. This was despite massive local opposition via petitions and submissions to Council.

This DA to build a 200 seat grandstand at the North Turramurra Recreation Area (NTRA) in an area that is an E4 environmental protection zone (bushfire prone). This structure is expected to result in increased out of area traffic and increased noise, create a bushfire evacuation risk and further monopolise the site by one sports group. The structure will also further reduce the greenspace at the NTRA, by adding to the existing, large synthetic field.

North Turramurra, a peninsula suburb, adjoins the Ku-ring-gai National Park and is in a high bushfire area a single access road, in a high bushfire area with the difficulties of access roads and evacuating older residents living in retirement villages.

Ku-ring-gai Council approved a Synthetic sports field on Norman Griffith Oval, West Pymble, near the Lane Cove National Park and in a high bushfire area. Residents took the matter to the Land and Environment Court but it was defeated.

The population pressure on local sports fields is now becoming acute with pressure to cover them with synthetic turf fields as has been approved at the Norman Griffith Oval, West Pymble which is surrounded by Sydney Turpentine Ironbark Forest in the catchment of the Lane Cove National Park. This has been enormously contentious as it is located in a high bushfire area and the concern about micro plastic pollution run off into the Lane Cove River in the Lane Cove National Park.

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

DEVELOPMENTS PROPOSED:

The context of this is that Ku-ring-gai will be facing more high density and medium density rezonings from the State Government and is under threat.

DEVELOPMENTS APPROVED:

Too many canopy trees are being removed from the approval of development applications and from the result of the 10/50 Tree Clearing Code. Trees are also dying from drought conditions and disease.

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

Ku-ring-gai local government area is surrounded by three national parks and threatened ecological communities of Blue Gum High Forest, Sydney Turpentine Ironbark Forest and Duffy's Forest.

Ku-ring-gai is a place of environmental sensitivity. It has three threatened ecological communities - Blue Gum High Forest (BGHF), Sydney Turpentine Ironbark Forest (STIFF), and Duffy Forest and habitat for threatened species.

NSW's planning system provides insufficient protection of Ku-ring-gai's nationally significant vegetation. The National Trust (NSW) has identified conservation areas combined with Blue Gum High Forest and outstanding 20th Century architecture and yet LEP 2015 - other planning instrumental together have treated Ku-ring-gai as a standard local government area.

Restoration, rewilding and regeneration needs to be key to the planning system.

Planning powers of local government have been drastically reduced. As well, the powers to review, amend, revoke or repeal development approvals that damage the environment are difficult to win at the Land & Environment Court.

DEVELOPMENTS PROPOSED:

The context of this is that Ku-ring-gai will be facing more high density and medium density rezonings under order from the State Government and is under threat.

DEVELOPMENTS APPROVED:

Since 2004 Ku-ring-gai has contributed over 16,000 new homes in the form of high-density developments, medium density and seniors living proposals. The rate of development is becoming ecologically unsustainable as most of the development is being focussed within environmentally sensitive and wildlife corridors within Ku-ring-gai.

(b) the adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:

(i) THE CUMULATIVE IMPACTS OF DEVELOPMENT

FOKE has witnessed the cumulative degradation and destruction of Ku-ring-gai - one of Sydney's most environmentally sensitive local government areas since it was formed in 1994.

The cumulative impacts of multiple LEP rezonings (LEP194 + LEP200 + Ministers' Sites LEP 2015) for medium density housing have transformed large areas of Ku-ring-gai with the removal of its distinct giant tree canopy. Massive areas have had their soil and seedbank removed, covering it with hard surfaces that removes the capacity of the land to be regenerated and rewilded in the future - thus condemning this urban forest to extinction. The soil and its geology have evolved over millennia and its removal is irreversible.

As one of Sydney's most environmentally sensitive areas it has had cumulative impact of multiple LEPs that have destroyed its canopy cover, gardens, green spaces, seed banks, habitats, and fragmented wildlife corridors. Entire neighbourhoods have been bulldozed and replaced by concrete medium density apartments. The loss of trees has exacerbated the drying out of the soil, removing wind breaks and removing vital hollows for birds and wildlife.

FOKE has argued against NSW's urban consolidation policies since it was formed in 1994. Since then, the population of Sydney has increased significantly putting more demands on housing and the environment. Ku-ring-gai has experienced a 25% population increase since 2000.

As a consequence of ongoing urban densification pressures, Ku-ring-gai has had much of its garden and bushland suburbs and urban forests transformed into hard surfaces, loss of tree canopy and the loss of its remnant urban forests. Entire streetscapes and neighbourhoods

have been transformed to hard surfaces with the loss of gardens, canopy trees and wildlife habitats. Soil and seed banks have been removed by excavations for underground car parking. Vital habitat for its birds and other small marsupials has been destroyed. Ku-ring-gai's remnant Blue Gum High Forests (Browns Forest/Dalrymple-Hay Nature Reserve, St Ives & Sheldon Forest, Turramurra) and STIFF risks extinction if this is to continue, as the largest remnants are along the Pacific Highway ridge and Northern railway corridor. It is reported that there is less than 1% remaining of the critically endangered Blue Gum High Forest left in NSW and the world.

Blue Gum High Forest is located on the Pacific Highway and North Shore railway line (that includes two State Heritage listed Railway stations) are located on the main Pacific Highway and North Shore railway line (that includes two State Heritage listed Railway stations) that has been targeted for higher densification. It also contains some of the nation's best 20th Century domestic architecture.

Ku-ring-gai is renowned for its Federation and interwar garden suburbs surrounded by bushland reserves and three national parks. Its environmental sensitivity should have stronger planning and environmental protections. However the planning system for over thirty years has been geared for economic development rather than ecological conservation. Stormwater and pollutants from developments run off into Lane Cove National Park due to the nature of the steep slope topography of Ku-ring-gai

The significant impact of the 10/50 Tree Clearing Code has allowed the removal of hundreds of critically endangered trees which would normally require application for approval, and have been removed without transparency and accountability measures in place.

Razing of blocks of land and building energy guzzling McMansions approved under the Complying Development codes with limited land available for soft landscaping and deep soil areas for planting canopy trees.

Building retirement villages should not be allowed to be built in high bushfire risk areas.

Ku-ring-gai is home to an important maternal colony of the Grey-headed Flying-fox, located in the Ku-ring-gai Flying-fox Reserve, Gordon. The colony consists on average of about 30,000 to 40,000 bats during summer. Heat waves kill flying fox colonies. There is considerable concern with climate change that flying-foxes will be vulnerable to periods of extreme heat: panting, fanning, shade seeking, and then with mass fatalities reported at temperatures of 43° C and above. The changing fire regimes threaten wiping out other threatened species such as pygmy possums.

Increased urban densification creates conflict between humans on the bushland interface - smell of flying foxes; cats and dogs, traffic killing wildlife on busy roads; removal of trees because of perceived threats of tree branches falling on homes.

(ii) CLIMATE CHANGE AND NATURAL DISASTERS

Unprecedented heat waves being exacerbated by increased hard surface from medium density developments.

(iii) **BIODIVERSITY LOSS**

- NSW's biodiversity is in peril and rapidly declining. Sydney needs Ku-ring-gai's trees and remnant forests to help cool it during times of intense heat waves.
- Ku-ring-gai's environment is important for the environmental health of Greater Sydney in keeping temperature clean, air health and absorbing greenhouse gases.
- Ku-ring-gai is renowned as being the 'green lungs' and keeping Sydney's temperatures cooler and air quality cleaner as well as capturing carbon. In Europe most people live in areas of high fine pollutant particle pollution. Sydney is lucky to have places like Ku-ring-gai with its tall Blue Gums, Blackbutts to keep Sydney's air quality clean.
- We need a planning system that values biodiversity protection if we are to stop the extinction.
- The natural environment is a dynamic and interconnected system. As such the protection of Greater Sydney relies on the protection of Ku-ring-gai's Blue Gum High Forests located along the Pacific Highway and Railway line along the North Shore ridgeline.
- What happens in Ku-ring-gai has consequences for other parts of Sydney. Removing Ku-ring-gai's remaining tree cover risks intensifying heat traps in Western Sydney. The Powerful Owl is at home in western Sydney as it is in northern Sydney. There are the migratory birds that fly across Ku-ring-gai and other suburbs of Sydney.

BIODIVERSITY LOSS FOR KU-RING-GAI

- Ku-ring-gai's biodiversity has declined with the loss of wildlife and habitat corridors have been fragmented by development.
- Ku-ring-gai is the catchment area for three national parks and as a result of densification with stormwater runoff from hard surfaces this has had negative impacts on the health of these national parks.
- FOKE has no confidence that the current planning system is capable of protecting biodiversity loss for Ku-ring-gai.

(iii) a. RAPIDLY CHANGING SOCIAL CIRCUMSTANCES

- FOKE argues that the planning system needs reform that is people and nature centred, rather than profit centred.
- Local government planning powers have been massively reduced where its residents' democratic rights have been diminished.
- At a time of increasing mental health, nature is more important for future generations.

b. RAPIDLY CHANGING ECONOMIC CIRCUMSTANCES

- Housing unaffordability is at crisis.
- Despite repeated claims that the planning system and densification will improve housing choice, housing affordability and livability these have not been

delivered. The economic imperative of property development is the driving priority of the planning system and this must be reversed.

- The current NSW planning system is not fit for purpose. With the escalating and existential crisis of climate change the NSW planning system is an abject failure.
- Neoliberalism economics have pushed the privatisation agenda of selling public land.

The cumulative sell off of schools and public land have been lost opportunities for wildlife corridors, community land and more parks and playgrounds.

- Historic properties such as ‘Hillview’ (owned by NSW Health) has been a model of ‘heritage demolition by neglect’ and shows the failure of the planning system to insist that heritage owners (including the government) maintain their properties.
- Economic growth is a key threatening process. We need a new economic model of sustainable economics if we are to survive.

c. RAPIDLY CHANGING ENVIRONMENTAL CIRCUMSTANCES

- Critical urgency and irreversibility of biodiversity extinction and climate change.
- FOKE has no confidence that the current planning system is capable of protecting Sydney’s environmental values in a rapidly dangerous escalation of climate destabilisation, unless planning reform happens.
- Climate change is bringing hotter and longer weather and more severe storm, wind, and flooding incidents.

(c) SHORT TERM planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure.

- FOKE urgently calls for an emergency, concerted, multidisciplinary effort to transition away from fossil fuels and rezonings for more medium density that will increase consumption, pollution and waste that is no longer appropriate with climate change and biodiversity collapse.
- Policies to stabilize house prices to ensure affordability, including retaining small houses from being demolished and being replaced by ‘McMansions’. Other models may include cooperative housing schemes such as Ku-ring-gai Old Peoples Welfare Association (KOPWA) that provides affordable housing for older residents.
- Removing influence of developers in wield too much power in the planning system
- More environmental education is urgently needed.
- Simplifying the language of planning. It is almost impossible to read and understand planning documents. They are incomprehensible for ordinary citizens to read and comprehend.

MEDIUM TERM planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure

- More land acquisition and rezonings for environmental protection.
- Protecting Crown Land and other public land being sold off.
- FOKE believes the best way the planning system can best serve people and the natural and built environment is to ensure that the planning system works and is administered by a public service that prioritises the community public interest planning system and environment before private commercial interests.
- FOKE also says more research is needed into environmental protection and extinctions, the impact of climate change on microorganisms, the freshwater biodiversity crisis of its creeks and rivers, endangered food webs, invasive species, tree extinctions
- Once renewable transition occurs, we need to address the more complex issues of ecological overshoot and reduce consumption and increase public transport.

LONG TERM planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure.

- Stabilising Sydney's population and immigration numbers. Population growth is having considerable impact on housing shortages, unaffordable housing, ecological collapse and climate change.

OTHER LEGISLATIVE REFORMS NEEDED

- The Henry review of NSW's Biodiversity and Conservation laws found the survival of biodiversity is impossible without significant change to how we value nature in NSW. The government will need to respond to the [Henry Review](#) of the Biodiversity Conservation Act.
- FOKE endorses The 'World Scientists' Warning of a Climate Emergency' report, endorsed by 14,859 scientists from 158 countries, that proposed a range of measures for restoring and protecting natural ecosystems, conserving energy, reducing pollutants, reducing food waste, adopting more plant-based diets, stabilising population and reforming the global economy.

CONCLUSION

CHANGING LANDSCAPES:

The landscape of Ku-ring-gai has dramatically changed over the last 30 years. The cumulative impacts of land clearing and rezoning for urban densification has dramatically degraded much of the Ku-ring-gai landscape. Many suburbs of Ku-ring-gai have lost their low rise residential garden suburb character and its gardens, canopy trees and critically endangered vegetation and wildlife.

Ku-ring-gai is a place where many environmental pioneers such as Annie Wyatt (founder of the National Trust), Charles Bean (founder of the Parks and Playground Movement), Paddy Pallin (founder of the national parks movement) called for a vision that protected Greater Sydney's green, forested and gardened suburbs.

FOKE is concerned that the cumulative impacts of poor planning decisions are now being intensified by climate change. The crisis is dire. FOKE fears we are at tipping points that will trigger new and devastating and irreversible environmental loss.

FOKE hopes that following this inquiry the NSW Government will reform the planning system so that it protects NSW's natural and built heritage from climate change impact and changing landscape.

We need to end the nexus between property developers and commercial interests who have captured the planning system with political donations.

Climate change is threatening the fabric of our lives. FOKE looks forward to concerted emergency action to ensure our NSW's planning system can keep us safe.

We look forward to the Committee's deliberations and the results of the Planning System Inquiry. It is hoped that the State Government will take the Inquiry outcomes into full consideration, so that the NSW planning system going forward can ensure that people and the natural and built environment are protected from climate change impacts and changing landscapes.

Yours faithfully

Kathy Cowley

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PRESIDENT

cc Ku-ring-gai Mayor and Councillors

cc Matt Cross MP Member for Davidson

cc The Hon Alister Henskens SC MP Member for Ku-ring-gai

cc The Hon Paul Fletcher MP Member for Bradfield