



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

MEDIA RELEASE

REPORT RELEASED FOR INQUIRY INTO THE PLANNING SYSTEM AND THE IMPACTS OF CLIMATE CHANGE ON THE ENVIRONMENT AND COMMUNITIES

**FOR IMMEDIATE RELEASE
19 NOVEMBER 2024**

The report of the NSW Upper House committee inquiry into the planning system and the impacts of climate change on the environment and communities, was tabled today.

The Chair, Ms Sue Higginson MLC said: "During this inquiry, the committee had the opportunity to hear directly from local communities about the impacts of developments in their local environment, and observed first-hand natural environments that are being put at risk from developments, including developments on fire and flood prone land. The overwhelming message from these communities is that the planning system is not serving them and not enabling responsible environmental outcomes."

Ms Higginson continued: "A major issue the committee heard about was historically approved developments, often called zombie DAs, many of which were approved under previous legislation, some which have not yet been built, but remain live in the planning system. These developments are not consistent with our current understanding and the realities of climate change. Some of these developments will harm our wildlife, including threatened species facing extinction, such as koalas, greater gliders and endangered ecological communities. These developments should not be able to proceed, but barriers in the planning system prevent consent authorities from being able to review and modify or revoke these development consents."

Ms Higginson highlighted the report's 18 recommendations, stating: "One of the committee's key recommendations is that NSW Government seek to amend provisions of the *Environmental Planning and Assessment Act 1979* relating to historical development approvals, increasing the threshold for developers to have taken action in commencing physical works in order to prevent their development consent from lapsing, and for the NSW Government to consider a mechanism with thresholds for the reassessment of historical development consents. We also recommend the NSW Government consider giving power to consent authorities to revoke or modify development approvals where the development will have significant social, environmental or cultural impacts not previously identified or that have changed from the time of approval."

Ms Higginson also said: "The *Environmental Planning and Assessment Act 1979* does not mention climate change. In order to properly address climate change in the planning system, the Act must be amended to include provisions requiring decision makers to ensure development is meeting emissions reduction requirements, and that the impacts of climate change are central considerations in all decisions under the planning system."

Other key recommendations included that the NSW Government:

- continue to support councils to undertake their functions in addressing climate change, such as assessing the need for additional funding and making sure councils have the appropriate skills to assess large and complex proposals
- investigate the establishment of a centralised source for all government held planning data, accessible to councils across New South Wales
- enhance land use processes to take into account climate change risks, including the development of clear guidelines about where homes and infrastructure should and should not be located. Further, the committee recommends that the NSW Government continue to work through the NSW Reconstruction Authority to develop a state policy for managed relocation in situations where this may be a viable solution for communities or specific sites
- give effect to the right of First Nations people to self-determination and the principle of free, prior, informed and ongoing consent in the New South Wales planning system, including in relation to:
 - development applications and planning proposals
 - culturally appropriate consultation and
 - protection of cultural heritage and connection to Country.

The Chair continued: "The planning system is big, complex, and interwoven with many environmental, social and economic realities. It deals with decisions that impact upon the natural and built environment which people and communities are inextricably a part of. There are real power imbalances where some stand to make enormous financial gain and others stand to lose everything about the places they know and love. The committee learnt that people and their community do not always choose to engage with the planning system, rather they get drawn into it, they put their lives on hold to engage in good faith, yet get harmed because it can be a place of conflict over land use where their voices are not provided the weight they require to advocate in the public interest over certain private interests and better outcomes are missed."

The Chair concluded: "I thank all inquiry participants for their evidence and in many cases, for welcoming the committee to their communities and on to country for hearings and site visits."

The committee's report and other inquiry documents can be found on the [committee's webpage](#).

-ENDS-

For further information please contact Committee Chair, Ms Sue Higginson MLC, on (02) 9230 2740