

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 Parkview Room, Central Coast Leagues Club, Gosford on Wednesday 10 April 2024

The Committee met at 10:35 am

PRESENT

Ms Sue Higginson (Chair)

The Hon. Mark Buttigieg

The Hon. Scott Farlow

The Hon. Peter Primrose

The Hon. John Ruddick (Deputy Chair)

The CHAIR: Welcome to the third 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 Darkinjung people, the traditional custodians of the lands on which we are meeting today, which is Darkinjung country. 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.

Dr CHRIS McLEAN, Principal Strategic Planner and Senior Ecologist, Central Coast Council, affirmed and examined

Ms DEANNE FRANKEL, Acting Unit Manager, Strategic Planning, Central Coast Council, affirmed and examined

The CHAIR: Welcome and thank you for making the time to give evidence today. Would one or both of you start by making an opening statement?

CHRIS McLEAN: My name is Chris McLean. My expertise is in ecology. I've got extensive experience acting as an expert witness primarily for councils in Land and Environment Court Class 1 matters, so I've got a lot of expertise in understanding urban ecology and biodiversity, and I've also worked in strategic planning and DA assessment as well. I am the author of a wide range of council's environmental documents, including the sustainability and climate change action plan and the *Greener Places Strategy*.

The CHAIR: Thank you.

DEANNE FRANKEL: I am, as I said, the section manager of strategic planning projects, so I have the ecologists, urban designers and heritage architects reporting to me. We are responsible for preparing strategic planning documents to inform land use planning, of which Chris has authored a number. I've got over 20 years experience in strategic and statutory planning for local governments and State government as well as mining, aviation and private consultancy and embedding environmental principles and climate change principles into those outcomes.

The CHAIR: The Committee will now ask some questions, and we will take a fairly free-flowing form to do that. I might start with a couple of questions. In the council's submission there seems to be a clear theme about the concern around the protection or non-protection of biodiversity, the capacity of council to take a strategic approach and how the planning instruments apply in order to adapt and be prepared for climate change but also acknowledging the challenges that we face in terms of biodiversity loss and biodiversity protection. In your experience with council, what do you see as the most common theme, through the application of council decisions and the instruments, that is not protecting biodiversity and is not preparing us for climate change?

CHRIS McLEAN: It's probably, one, a direction from higher levels of government that there needs to be a wide number of people accommodated on the Central Coast. You've got the Central Coast regional plan that says there has to be tens of thousands of people moving to the Central Coast when, for greenfield development at least, the land that still occurs—you might not call easy to develop. It's either flood-prone—so it's on a flood plain. It might look simple to build on because it's flat, but it's next to a river. It's got nice grass. It doesn't have biodiversity constraints or, if it's not flood-prone—not exclusively—then it has high biodiversity values, and I think that's a real challenge for this region. How do you fit people here that aren't in infill development? And then infill development presents other challenges as well, in particular, if it's on single sites. Larger developments usually result in a better product from urban renewal, but if a single landowner only owns 800 square metres of land, getting a lot of open space incorporated into that is quite challenging.

DEANNE FRANKEL: Yes, and I think one of the key challenges for us as a council—particularly Central Coast Council—is trying to maintain financial viability of the organisation versus the challenges of delivering and implementing best outcomes across the Central Coast. That is something that, as strategic planners, when we're writing our documents, we have to very carefully balance. We have to understand the implications on resources. Even though we know what best practice delivery is, the implications on resources, whether it's additional offices required for compliance or assessment or maintenance, is something that we have to internally balance. That is one of our key challenges.

The CHAIR: That's a very interesting point. How does that manifest through decision-making? Is it a compromise? What does it actually look like?

DEANNE FRANKEL: Internally, for any document, you undertake external exhibition of the document, but before it even gets to external exhibition there is internal consultation undertaken. So it is a balancing act between staff at staff level, and if particular members obviously have any concerns then it can get escalated to director level et cetera, and they often will resolve where that balance needs to land. We acknowledge, to get the best practice outcomes we need, it will have an additional burden on staff which requires additional resources and, as I mentioned, that's where we are challenged. So the way we draft our provisions is mindful of the implications on resourcing.

The CHAIR: Is there transparency around that internal process? Does that manifest through your written reports or your recommendations, or is it something that's a bit more behind the doors?

DEANNE FRANKEL: Definitely, in our council reports, we will include all the consultation we've done internally. It doesn't always explicitly raise all the concerns that were raised, but often it will talk about that balance that needs to occur, but not always.

The Hon. SCOTT FARLOW: Of course, one of the focuses today is going to be the seawall at Wamberal in particular. Has council received any lots along that Wamberal area from the State Government? Has anything been transferred to council?

CHRIS McLEAN: I'd have to take that on notice.

DEANNE FRANKEL: Yes. That's delivered by a different unit. We can definitely take that on notice.

The Hon. SCOTT FARLOW: So you're not dealing with anything to do with that.

DEANNE FRANKEL: Not specifically the seawall, no.

The Hon. SCOTT FARLOW: In terms of your understanding, are landowners paying for any of the construction and maintenance of their sections of the proposed coastal seawall?

DEANNE FRANKEL: Similarly, we have to take that one on notice. We can get confirmation.

The Hon. SCOTT FARLOW: Fair enough. I think these are all going to be taken on notice then. Further, will works be built on in terms of the beach, or will they be built landward, if that is to be approved?

DEANNE FRANKEL: We'll take that one on notice as well.

CHRIS McLEAN: There is a DA to be submitted soon to the council.

The Hon. SCOTT FARLOW: Has the DA been submitted, or not as yet?

CHRIS McLEAN: Not that I am aware of. I know that there has to be transparency around the assessment of that. I have been nominated as the person that will assess the ecology impacts of that, so I have been keeping myself at arm's length from the other decisions.

The Hon. SCOTT FARLOW: That flows on to my next question. With council being a joint applicant in the process, how do you manage that conflict of interest in the assessment process?

CHRIS McLEAN: I can talk to some of that. The council has gotten a law firm to draft some documents to say when there is a perceived or an actual conflict of interest there. The difficulty becomes, for example, that someone like me that happens to live in the same LGA will probably then know people that have opinions on that. So it's about making sure that you don't listen to those opinions and just make your assessment as you would any other DA that you are looking at and, in that, to declare those conflicts of interest up-front.

The Hon. SCOTT FARLOW: In terms of managing those conflicts of interest, largely it is a process that has been advised upon by this independent law firm that you have engaged?

CHRIS McLEAN: Correct.

The Hon. SCOTT FARLOW: With respect to the biodiversity and the challenge, as you outlined, in terms of the Central Coast, you look at it on a map and it looks like there are lots of areas where you could have developable land, but they are constrained in terms of either biodiversity or flood or even bushfire risks in some of those areas. This question is coming from some commentary that I have heard, from applicants probably in the process, that there are several different certification processes. What is council looking at in terms of ensuring that there is one source of truth, so to speak, and that when an area is certified people can still proceed with some confidence in that area after that certification in terms of the biodiversity requirements and the like?

CHRIS McLEAN: For biodiversity in particular, there is a process under the Biodiversity Conservation Act called biodiversity certification. A similar process also occurs under the Federal legislation, the Environment Protection and Biodiversity Conservation Act. It's in the document for proponents, when there is land rezoning proposed, that it is council's preference for them to obtain biodiversity certification. That process occurs through the New South Wales Government—so essentially whatever the biodiversity conservation division is now called. There has been a name change recently. They run that process. There are half a dozen properties that are undergoing that process at the moment.

The frustration, I guess, from what we have heard from applicants, is that the process is reasonably slow. But it provides them with certainty, and probably the level of rigour that is required by that department is equal or greater than what council expects. There's the need for seasonal surveys, and there is a high expense. The benefit of that process is that once land is biodiversity certified, until that order expires, which is usually for 30-plus years, there is certainty there that you get a lot yield that relates to whatever is proposed, as opposed to if

you've got some land that is zoned residential, say R2, that contains an endangered ecological community, for example, the Biodiversity Conservation Act pretty much says you've got to ignore the zoning in a sense and go through steps to avoid, minimise and finally offset.

Also, court judgements have shown that you can't assume that land that's zoned for biodiversity protection, so a conservation zone—it shouldn't be used as avoidance land. Largely, if it's an example of a residential subdivision, if you can't build that on there anyway it's not really avoidance. Going through a biodiversity certification process, that provides a high level of certainty. I guess, for your Committee, it might be good to have a think about whether or not you can recommend, therefore, biodiversity certification to be a common practice when a gateway determination is being issued—to say is there a biodiversity constraint here and would there be benefit there in that occurring.

The Hon. SCOTT FARLOW: In terms of your view, that is the optimal period in terms of the gateway determination stage?

CHRIS McLEAN: I think so. I think, at that stage at least, it would be understood whether or not there are biodiversity constraints on the site and how severe they are. The main sort of thing would be a direction to then say is the constraint serious or not, and probably some thought around what that might look like in terms of something needing biodiversity certification. It might be a threshold. It might be if you need a BDAR later on—a biodiversity development assessment report—essentially having a significant impact, you need to write a certification report instead.

DEANNE FRANKEL: To build on that, there was a review just recently, last year, done on the biodiversity Act as well. Some of the feedback that was given—their reported feedback—was again that recommendation that the BCAR is done at that stage. It answers your question. That gives the certainty before they move down the development assessment phase.

The CHAIR: Just on that, were you referring to the review of the Biodiversity Conservation Act?

DEANNE FRANKEL: Yes.

The CHAIR: Given that you have read that review, council's suggestion is that you do that biodiversity assessment very early up-front and you do it as comprehensively as possible. For climate adaptation and climate mitigation, do you see that there is an intersection that perhaps we are missing if we focus early and up-front on biodiversity? Do you see that as separate work, or work that should be done at the same time?

CHRIS McLEAN: I think the legislation—the Biodiversity Conservation Act—or the biodiversity assessment method in a way misses a key understanding of connectivity. There is a requirement at the front of writing either a BDAR or a BCAR to look at these things. But, in a way, from looking at these, I think there is a minimal amount of legislative weight put on that, because the intent is more around avoiding impacts that are occurring now and minimising the impacts that are occurring now, rather than impacts that might occur in 30 to 50 years time. Considering things like species migration needing wildlife corridors and, in that, functional wildlife corridors in particular in a north-south fashion—regional corridors in particular from the north to the south where species can migrate as you have a warming climate. I think council have been trying to look at that ourselves and trying to understand how you'd factor that in as well, but it's quite complex work and it's probably best led by another agency at a higher level. Our LGA stops 50 kilometres north of here, but climate impacts don't stop at the LGA boundary. It is probably better to make sure that the adjoining LGAs match those corridor connections at those points as well.

The CHAIR: Your submission notes the high degree of fire-prone land in the LGA. Do you think that the current biodiversity assessments and fire assessments are making the links and connections to better plan for the changing climate and the frequency and intensity of fire? Are we looking at that and getting that planning right?

CHRIS McLEAN: The challenge for me, sitting in a number of court matters where there has been an intersection between planning for bushfire protection and the Biodiversity Conservation Act—and the issue becomes the size of asset protection zones that are needed. What council said in its submission is around environmental living style lots. It might be two hectares in size, covered by vegetation. Once you put an asset protection zone on those sites, you end up with almost half of a small lot being cleared, if it's a development on the top of a ridge, say, because you need a larger APZ for downslope. You might end up with half a hectare to a hectare of vegetation needing only 15 per cent canopy at the end. That creates challenges and conflict between how do you conserve biodiversity—not saying that you shouldn't have asset protection zones. I think you need those, otherwise you end up with catastrophic property loss.

But is it more a question of saying maybe you shouldn't be living in those areas if you can't—because there is no certainty there under a changing climate, if you go under the worst climate scenario of RCP 8.5. If we have already seen a summer where you end up with every patch of vegetation, really, from Queensland to Victoria having fire within it, you then have a worse or more severe climate and those asset protection zones might not even be adequate in the future. That is probably something to think about as well: Where should people be living? You've got ember attack that can go kilometres and kilometres. It is a challenge.

The CHAIR: On that, would you say that council currently has the capacity, the tools and, I suppose, the courage to say where development shouldn't go, even if a planning instrument says that it perhaps is zoned for a dwelling, but that asset protection zone would have a significant or a big impact on biodiversity? Where do you see this council as being able to navigate that? Is it more consent happens or refusal happens?

CHRIS McLEAN: At the moment, I'm involved in 11 separate court matters where ecology's raised in just this LGA. They're a mixture of everything from greenfield subdivisions, 450 square metre lots through to environmental living style properties. Certainly this council has pushed back on those sort of things. It's a question of merit, because the standard LEP instrument allows residential properties to be built on environmental living, like a C4 or a C3 zone, and there's also some savings provision, even though dwellings are prohibited under C2, that if there was a dwelling entitlement under a previous zone, they carry over.

It becomes an argument around saying that that level of clearing is inconsistent with the zone objectives. Even the lowest level of protection, which is a C4 zone, environmental living, has got in the LEP, in the objectives, you can't have an impact on special ecological values. So essentially if you're having an impact on certain matters; having an impact on, say, an endangered ecological community or a threatened species, well, that's a special ecological value and that would be inconsistent, whereas the C3 zone goes one step further. It sort of says you can't trash the environment. That's probably the real challenge here. How do you say to someone, "You have owned that block that you've had for 30 years. You're wanting to retire on it, hypothetically. Actually, we don't think you can build a house on there." That's probably quite a hard conversation to have.

The Hon. PETER PRIMROSE: Just one question that I think flows on from that and that's consideration of transferable development rights from one location that you've identified to another location. I was wondering if you would just comment on that. What issues might be appropriate there, whether it's something that you'd consider, and what would need to be taken into account if you do?

CHRIS McLEAN: By development rights, a previous consent?

The Hon. PETER PRIMROSE: If you've got a consent and because of climate change or something else, it's decided that that's no longer appropriate; you can't build your house of your dreams there on the block and you can then transfer that to another site, the approval.

CHRIS McLEAN: That also applies to floodplain land. Let's say you've got a consent that was granted in 1980, for example, when we weren't thinking of these things. In theory, your house burns down, you can then rebuild it in the same standard, even though it might flood again. The main issue there is saying if that house looks like this particular form and then you move it up the block, you need to probably have an assessment of the new environmental impact, because what happens if you move it 50 metres away and there's something else that hasn't been considered in 1980 when your previous consent was issued? I think it's important probably to try and think about how some of these communities can still have development in them.

An example would be if you have a low-lying community. You're going to hear from speakers later from the Peninsula, for example, that's low lying. And there's a number of these places on the coast, where you have lots of flood-prone land, you put on there a metre of sea level rise. Largely, that area will become uninhabitable by a certain amount of time without intervention. What do you do with that? Do you then say, "You can't actually have a DA for a new house at all." Then what? Does it become shantytowns where everything is falling down because the council doesn't allow any new consents to be issued. In my opinion, that's probably not the right way.

The Hon. PETER PRIMROSE: Can I ask you both: In terms of current legislative regimes that are available, does that allow for transferable development rights or is that something that State Government with councils would need to look at in terms of amending planning legislation?

DEANNE FRANKEL: It's not something I've dealt with or even had to investigate, so not to my experience. That's not to say it's not there. I've definitely not been exposed to it or heard of it occurring in New South Wales systems that I've worked in.

The Hon. MARK BUTTIGIEG: Can I just follow up on some of these lines? We're in a situation now where there probably hasn't been a Government in the history of the State that is more determined to solve the housing crisis. The question is: How you do it? Freeing up the planning system to the extent that it allows greater

density in the right places is key. Has the council grappled with this in the context of climate change and the environment? The elephant in the room is going to be the tension in this. Let's cut through all the red tape. It's ridiculous that people can't get things built. We've got kids who can't get into homes. Housing affordability has gone through the roof. How are we going to increase supply and protect the environment? Has the council thought about that, given the chronic environmental change exposure that an LGA like Gosford has got?

DEANNE FRANKEL: Looking at the Central Coast, there are actually quite a few areas that already allow quite decent densities. The Entrance is an example. Gosford is another example. Even in Wyong there's some decent density. A lot of it has not been taken up. There is land zoned there, so it's understanding why that isn't being taken up by industry.

The Hon. MARK BUTTIGIEG: Why is that?

DEANNE FRANKEL: There have been examples at The Entrance where there have been previous DA approvals and it has just never been enacted. Is it escalating construction costs? As I said, some of them have some DA approvals and they're not just occurring. Wyong is an example, particularly on the eastern side of the rail land. There's some reasonable density there and there is just not the level of take-up that you'd expect, particularly with the station and looking at the TOD SEPP reforms that have been on exhibition. There's an appetite from Government there, so what are the barriers preventing that happening?

Maybe some of that take-up is: Is it a desirable location? Do people want to live there? Is Government investing enough in those public domain outcomes, the open space, or those other things? Again, that comes to, if we invest in that infrastructure and create that amenity in the public domain, will that entice investment? But then drawing back to my previous earlier comment about cost and being a financially sustainable council, this again is where our challenges are in balancing where we can invest our money, where our priorities are, because we do have to carefully manage our budgets. Is there a whole-of-government approach to getting that investment—additional opportunities to get that investment?

The Hon. MARK BUTTIGIEG: Has financing got anything to do with the ability for developers to raise finance to invest in that high density?

CHRIS McLEAN: I think that's a problem. You have a look around Gosford, for example. As you leave here, on Mann Street, you'll see there's a property there. I think it's got a "For sale" sign on it again. A number of these developments, they've got physical commencement to build something large, but the construction costs of that'll be incredibly high in double digit millions. I guess it's probably a question more for the finance industry to say, "What's the barrier there of granting finance for something?" I'm sure once that product is built, you can sell the 200 apartments that'll be on that site, but then, why is it such a constraint?

The Hon. MARK BUTTIGIEG: The take-out from this discussion is not necessarily that it's a binary problem in terms of you've got all this exposure to environment and climate change and we've got to protect the environment. The answer is density in other places. My colleague's point about the transferable development rights might be part of the solution, but it sounds like it's a much bigger problem than that because you can provide the platform for that density, but developers actually have to take it up. Does that imply maybe some more thorough-going Government economic intervention?

DEANNE FRANKEL: Yes. My view is one of the biggest hurdles right now is the construction cost. That has to be tackled. That's the biggest barrier at the moment. We've got St Hilliers development. Is that it there?

CHRIS McLEAN: Yes.

DEANNE FRANKEL: You may be aware that that's just recently gone into administration.

The CHAIR: Which one was that, sorry?

DEANNE FRANKEL: It's a major St Hilliers development, just there—a major set of residential development and mixed-use development. It's on hold at the moment because it's gone into administration. I think the biggest immediate challenge right now is construction cost. How do we combat those construction costs? Also just to touch on the density, I think one of the other challenges on the Central Coast is appetite for density. The majority of people on the Central Coast live in single detached dwellings, and that's the highest in demand. Government is being brave to say we need to change the way we're doing things and create those really high and medium places so people actually want to live in those locations. That is a big challenge.

The Hon. MARK BUTTIGIEG: Is that a cultural function of people moving here to have that nice aesthetic rather than density in Sydney, for example?

DEANNE FRANKEL: I think you come to the Central Coast for different reasons compared to living in the centre of Sydney.

The CHAIR: What are some of the sort of things that you think we need to be looking at when you say that? I think I'm hearing that we need the State to be looking at the kind of community infrastructure being invested in and provided. What sort of things do you think this area would benefit from and what that would look like?

DEANNE FRANKEL: I look at Gosford as an example, and you may or may not be aware there is something called the Gosford Urban Design Framework. That is a whole-of-government road map to delivering revitalisation in Gosford. It's got some great strategies in there, things that have to be delivered, but it requires a whole-of-government approach. My view is at the moment we're looking at individual sites and I'm not looking at that public domain and connecting all those sites together. We've got a uni development that has been talked about, we've got the updated health precinct—it has just been adopted—the Kibble Park improvements, the waterfront master plan, but how do we get those public domain improvements?

We need traffic modelling. Who's going to buy that? We need the State and local governments to come together to do the transport modelling to see if we can change some of the road networks. Can we widen footpaths to get nicer trees in there and more outdoor trading? It is all those sorts of things that make people want to come and spend time in the centre rather than weekends—go to the beach—or something like that. What is it that's going to create an environment people want to live in and want to stay to play as well? That's the challenge.

I'm chairing Gosford City Centre working group, which is just internal staff. People are doing the components now, but what is that whole-of-government approach? How are we bringing the whole of government to make sure we can do a master plan on the train station. We've got a train station there that to be honest is quite horrible and not a very nice, safe environment when you get off. There's a park that council owns. The UDF talks about doing a collaborative master plan on that, but there is no traction in that. We've got major issues with Dane Drive.

The Hon. MARK BUTTIGIEG: Sorry, who did you say? The UD—

DEANNE FRANKEL: Transport for NSW or the urban design framework.

The Hon. MARK BUTTIGIEG: Has the council been in to see Minister Scully about these issues in terms of, "We want to provide the uplift to help solve the housing crisis but this is where we think it should happen"? Have those discussions been had?

DEANNE FRANKEL: Not that I'm aware of. Again, not to say it hasn't happened but not that I'm aware of or have been party to. We've got an internal steering committee with directors and the working group is making some recommendations at the upcoming meeting in this space as well to say what we think needs to be done to try and drive this change.

The Hon. MARK BUTTIGIEG: Because I'd imagine the proportion of people commuting from the Central Coast is probably one of the highest in the State, is it, in terms of commuting for work?

DEANNE FRANKEL: It's very high, either to Newcastle or Sydney.

The Hon. MARK BUTTIGIEG: You would think there would be some sort of appetite for increased density around a transport hub. It should be amenable, notwithstanding those cultural preconceptions.

DEANNE FRANKEL: Yes, particularly Woy Woy, Gosford, Tuggerah and Wyong, and even Ourimbah I'd say would be probably the five biggest ones on the Central Coast where there are some improvement opportunities. Again, there are challenges. Tuggerah has got some significant flooding constraints so getting the densities there. Wyong has flooding constraints but there are more opportunities around Wyong. The regional plan actually talks about Tuggerah being that primacy between the two centres, but actually when you look at Wyong and when you travel into Wyong it has existing high schools, it has primary schools, it has open space, it has a nice sort of cultural heart as well, so there is some opportunity there to get potential density and amenity there because Tuggerah is really challenged in regard to that flooding around the station, if we're talking about walkability to stations, the 800 metres.

The CHAIR: Just slightly on the side here, what does the community say to you about the train to Sydney? Is it a good service? Is it effective or is there a level of dissatisfaction about it?

DEANNE FRANKEL: The biggest thing I've heard is just about the frequency, particularly outside those peak hours. But to be honest that's when I worked here over 20 years ago. I haven't heard recent discussions.

CHRIS McLEAN: I think the problem is by the time the train arrives at Gosford it's quite full. So it's an hour and twenty minutes from Gosford to Central and so to stand until, say, Hornsby at least, which is, say, 45 minutes is probably not all that pleasant, and so whether or not there's enough rolling stock to put more services on. The other gripe I've heard from people is more the service is quite slow through a lot of those areas and so whether or not there could be work done to get the trains to run faster. There's a track in the State where you could

actually run, instead of going at 60 kilometres an hour, up to 80 kilometres an hour, for example, in places—those sorts of things to get that connection down towards an hour rather than an hour and 20.

The Hon. MARK BUTTIGIEG: What about in terms of growth strategy for the Central Coast? If you've got a large proportion of people commuting to Sydney, and we're in this modern phase of the economy where working from home on a lot of these jobs is actually possible, has there been any work done on government investing or legislating to allow people to work where they live? It seems to me to be a terrible waste of resource and time to have a large majority of your population travelling an hour and a half to and from.

DEANNE FRANKEL: It's just not good on wellbeing either. I've done it for many, many years. The other aspect just on where you work, and that's one of the focuses of Gosford and the urban design framework because, with the opportunities from the uni—we've got the TAFE here, we've got the health, we've got the law courts—it's an opportunity to get those higher order jobs and employment so people can capture and be employed locally so they don't have to travel. If it's a nice place to live and then we've got that higher order employment, it's an opportunity as well.

The Hon. MARK BUTTIGIEG: I'm just wondering how much of this is employers insisting that people actually front up physically when it's unnecessary. That would be a fairly low-hanging fruit thing to—

DEANNE FRANKEL: As far as any discussions I've personally had in this space, no I haven't. I do recall just recently I heard on the radio that there were some investigations at a Federal industrial relations level—it was probably within the last couple of months—about making sure people still had those work from home opportunities.

The Hon. MARK BUTTIGIEG: Do you have any statistics on the proportions of various occupations and the proportion that travel to Sydney? For example, is it majority white-collar workers or are we talking trades?

DEANNE FRANKEL: We could take that on notice.

The Hon. MARK BUTTIGIEG: That would be interesting.

DEANNE FRANKEL: We definitely have some statistics on proportion. Whether it's broken down into industry level, I'm not sure.

The Hon. MARK BUTTIGIEG: The necessity of actually physically having to be somewhere would be interesting to look at those stats.

The Hon. PETER PRIMROSE: This may or may not be relevant but since we're talking about increasing densities in appropriate locations and the effects of climate change, I recall during COVID on another inquiry a council on the Central Coast actually paid for the Commonwealth Bank to make statistics available about the use of credit cards et cetera available locally. While we found in Sydney a number of businesses were saying that they were really struggling, in fact regional towns were actually booming because people were working from home and therefore attracting more people and allowing more commerce to take place, which seems to me to be one of the things that we're talking about because every day you're talking about a large number of people leaving here. Can you comment on that and how those types of situations, following on from what my colleague is saying, might be of relevance to some of the other issues we're talking about, about increasing densities and opportunities here?

DEANNE FRANKEL: Just to clarify, are you talking about the opportunity for more employment opportunities on the coast?

The Hon. PETER PRIMROSE: More employment and to attract tradies.

DEANNE FRANKEL: Absolutely. I am a big believer in decentralisation so that we can get employment, and you look at even the three cities model in Sydney. In my previous role in State Government, I was the director of the Western Sydney Aerotropolis—so creating the planning framework for Western Sydney—and it was all about that decentralisation focus. I believe the same—for regional centres it should be applied, because it's an opportunity. We've got huge demands on infrastructure in Sydney. It's a win-win to be able to get people living and working in the place that they're located. It provides employment opportunities. The land is cheaper for the employer than it is in the Sydney arrangement and a significantly improved quality of life for those people not having to commute. I personally spent many years travelling to various roles in the city centre because of the employment opportunities that were offered to me that weren't available in those regional centres. Then I personally have made a decision that I want that work and quality of life balance, and whilst I have personally stepped down a number of levels, it's because I want that balance. I've got opportunities—different opportunities—but it's because I want that work-life balance.

The Hon. MARK BUTTIGIEG: Sorry, Chair, it's a little bit indulgent.

The CHAIR: No, go for it.

The Hon. MARK BUTTIGIEG: Anecdotally, I've heard stories of a friend of ours who is in robotics who was working five days a week from home programming robots. He is now being told to go and—five days physically there. It's insanity—travelling an hour to and from to do it.

DEANNE FRANKEL: I think this is a challenge from an industrial relations perspective, because it's been clearly demonstrated that individuals can be productive and in many instances more productive—I know, for me, more productive—being able to work from home. How employers can then enforce people to go in excessively—I do think there's some balance, but going in five days a week when staff have proven that it's possible and employers were still operating viable organisations. I think that's a big focus for government too. It's a better outcome for employees, definitely.

The CHAIR: I've got three points I'd like to touch on, and I know we're getting close to time. The three things are actually trees planned retreat, consultation and going back to those challenges in the Land and Environment Court. I'll quickly run through them. We've heard from the community here that heat is an issue—heat islands, the sweltering city type of concept, the absence of being able to control the loss of mature trees and what we do in terms of replacing trees. I'd love your comments on that.

CHRIS McLEAN: I think in terms of trees rather than native vegetation, I think there's not really much planning in terms of a planning framework that protects them. You can say, in the DCP, well, you should protect trees.

The CHAIR: But a DCP is a DCP.

CHRIS McLEAN: Exactly. I was involved in a court matter outside of this LGA. It was in Rose Bay where there was a golf course proposing to remove 500 mature trees. In that, the matter was settled largely. Even though the trees had been planted in 1940, there wasn't really any planning grounds and, from biodiversity, we were quite limited because the trees were planted vegetation so we couldn't say, "Well, it's an EEC."

The CHAIR: Were they native trees?

CHRIS McLEAN: They were native trees. They were broadleaf paperbark trees. That matter ended up being settled. In that, we made sure that the applicant had to—every time there is a tree that is lost they have to plant more. They're going to plant more vegetation and those sorts of things. But, pretty much, the legal advice on that was, if you go to take it to a trial, it's probably a low chance of success. I think that's a challenge. This goes back to my earlier comment where you've got individual landowners owning 800 square metres, for example. They buy one lot and it happens to be a lot sitting in the middle of the site. How do you build something around it? What happens then if you own six lots and you happen to have a tree, and that one tree that is significant is no longer sitting in the middle of one lot? You could probably work around it.

I think it's a question of scale to say, if there are small-time developers building things on 800 square metres, that doesn't necessarily result in a good amenity outcome as opposed to something on half a hectare or one hectare, because 20 per cent of private open space on 800 square metres is going to be a lot smaller and won't necessarily be able to support a mature tree in the future compared to if that lot was 5,000 square metres. That percentage then becomes far more land that can then be costed as some sort of open space. I think that's a real challenge. Planting trees on verges can be a challenge where there are a lot of services. Where you've got a footpath and a curb there's often a very small amount of room, so you might have under half a metre to plant a tree, and then there is a conflict there with the asset manager saying, "Well, that tree now may not be a problem, but in 20 years time it's going to damage the curb or the footpath," and, from a risk perspective, the footpath gets raised and people fall over and trip on that.

The CHAIR: Does that come up?

CHRIS McLEAN: Regularly.

DEANNE FRANKEL: Yes, absolutely. And when we're talking about densities as well, particularly residential—detached or attached residential dwellings—we're allowing smaller lots, which I support, but what's happened is, over time, developers have reduced the street width. I almost believe that from a State Government level we need to be absolutely prescribing a minimum verge width, because there is no way, on a smaller lot, they're going to be able to get that mature tree in. If minimum verge widths are prescribed, you can get your footpaths, you can get a decent tree located in there which will contribute to the urban heat. There's always pressure from developers, and it's always the verge that goes first. Even the road carriageways are being reduced. It almost should be, I'd say, a non-approval provision because otherwise, if it's in a DCP or anything like that, everything gets varied. We talk about, in the TOD SEPP, non-refusals, and I think, for climate change, if we move towards

non-approval provisions so it can't be overruled in the Land and Environment Court, for example, I think that would help get some improved outcomes that can't be challenged.

CHRIS McLEAN: The other issue is around ensuring quality of landscaping. The Environmental Planning and Assessment Act doesn't allow for the holding of bonds on private land at all. You can then say, "Well, applicant, go and plant trees," and they go and plant trees. The only time that you have a hold point really is prior to the issue of a construction certificate. You can say, "Well, have you done these things?" The problem becomes, if the tree gets planted early on, there is no hold point there. The next hold point that you've got—and the final one—is prior to an occupation certificate or, if it's a subdivision, prior to the subdivision certificate, and that's quite early. You don't necessarily know that that tree will survive, and you can have a condition of consent that says you need to look after the tree for five years.

At least with this council and others that I've worked with, the amount of compliance staff that are available is quite small, and it then becomes subjective. You go out there and the tree's still sitting there and it's kind of alive. Then it becomes, "Well, the tree's still there." It just happens that it was planted in the road base and hasn't been able to grow and all these other issues that relate to it. It becomes much more difficult whereas, if there was the ability to take bonds on private land for something that was strataed, that might become something to think about as well—to get better quality landscaping on medium-density and high-density development.

The Hon. SCOTT FARLOW: Is that part of a certifier issue?

CHRIS McLEAN: It is, in a way. The certifier will often say, "Well, the tree's there," and we all know about private certifiers and what's gone on there.

The Hon. SCOTT FARLOW: Tick a box, but it's not really a tree.

The CHAIR: We haven't really talked about it, but in your submission—it might have been the other one—you talk about community leading with solutions about those local areas. I'm curious to know, from your very deep wealth of experience—both of you together—where could we be doing better? We have this kind of thing where public participation is, "Here is a plan. Tell us what you think," and off we go. Obviously, there are various efforts of how much we integrate community input. Do you see where we could be doing this much better?

DEANNE FRANKEL: Yes, absolutely. From the delivery we're doing now, the financial sustainability of our council, unfortunately, is dictating a lot of the outcomes that are being achieved. It's the budget constraints that are impeding our ability to do better in regard to the provision particularly of trees. For us to even provide trees in different areas, let alone our policies around what developers are supposed to provide—we are desperately short in those people, the compliance officers, the assessment officers and the maintenance staff.

Even if we're prescribing these outcomes—sometimes it's not even trees; sometimes trees aren't suitable; sometimes it could be understorey vegetation—the resistance we get internally is because we don't have the maintenance staff to be able to go out there, because some people won't like it or it might impede the pedestrian footpath. They just don't have the resources to be going out there. So it's trying to get that balance with the resources that we've got. If we had more resources, we'd be able to do better. It's just because of our financial situation we don't. The consultation we've done—everyone sees it as an ideal but, whilst we're in the situation we're in, we can't have those additional requirements.

The CHAIR: When you said there are 11 matters in the court—

CHRIS McLEAN: They're the ones that I've got.

The CHAIR: Yes, they're the ones you're part of. I've had conversations with the planning Minister and he's kind of had this public and open discussion. He says that, if a planning panel or the State Government approves a development that a council is not happy with, the council could challenge those in a court. Is that something you've ever seen in your experience? Is that something that you would—

CHRIS McLEAN: The issue with that is that third-party appeal rights are limited to—not merit. They're based on jurisdiction.

The CHAIR: So it's judicial review only.

CHRIS McLEAN: Judicial review instead. So it says, "Well, did whoever the consent authority was make an error in law?", as opposed to the merit of the thing might still be bad. One thing I'll say about the reason why there are so many matters in court is around this ability to do deemed refusal. As soon as 40 days are up, an applicant can go to the court and say, "Well, the council hasn't looked at my DA yet." That's between 40 days and six months. I think the issue that I've seen with that is the court is also very willing to accept amendments to applications, so I've had things that are up to version 9 after it was submitted in the court. Essentially the applicants

are using the council's experts as a way of getting their application to be up to scratch rather than doing the homework and the legwork themselves.

DEANNE FRANKEL: Really, to get a fair procedural system, the court should only really be allowed to consider what was submitted and what the application contained. Staff aren't given enough time because, as Chris said, you're getting these amendments through the legal process. They've got insignificant amount of time to actually review it. They do the best that they can. But it's not fair on council staff either to be reviewing it through that process.

CHRIS McLEAN: A recent example is there was a hearing set down for a Monday. We'd written a joint expert report, which is the sort of thing that the experts write beforehand, that was submitted. There were issues with the application that both myself and my counterpart agreed to. On the Friday before the hearing the applicant went to seek leave for a whole new suite of documents and we were directed to write the joint expert report due basically on the day we were going to be cross-examined on that. So the barrister for that received that joint expert report two hours before I was due in the witness box. Is that a fair procedural thing?

The CHAIR: Too much pressure.

CHRIS McLEAN: Exactly. In that too I had no capacity for any slippage. We had a due deadline that basically—and the slippage was hours at most.

The Hon. SCOTT FARLOW: To that point that you just raised, could you take on notice—I don't expect you to have it off the top of your head—how many matters you've actually got before the Land and Environment Court on that provision effectively of the 40 days and the like?

The CHAIR: The deemed refusal.

CHRIS McLEAN: I can take—

The Hon. SCOTT FARLOW: On notice.

CHRIS McLEAN: Yes, I'll give you the actual numbers. And we could do it for the whole of the council.

The CHAIR: That would be so helpful.

CHRIS McLEAN: And it might be worth contacting the court too to see how many are going deemed refusal because I think it's—the issue becomes, when something is under deemed refusal, it sucks away all the resources from all the other applications because the council gets given a very short amount of time to write the set of contentions, two to three weeks.

The Hon. SCOTT FARLOW: So that then goes to the top of the pile effectively of what you have to deal with—

CHRIS McLEAN: Exactly.

The Hon. SCOTT FARLOW: —which probably leads to more deemed refusals in the process because they're not done in 40 days.

CHRIS McLEAN: The cycle continues.

The CHAIR: I think we could go on all day but we've run out of time. Thank you very much for your evidence and your time. There were quite a few questions taken on notice. The secretariat will contact you directly in relation to those questions. Thank you very much. It's been very valuable.

(The witnesses withdrew.)

(Short adjournment)

Mrs DEBBIE SUNARTHA, Co-founder, Grow Urban Shade Trees (GUST), affirmed and examined

Ms JEN WILDER, Co-founder, Grow Urban Shade Trees (GUST), affirmed and examined

Mrs LESLEY HARVEY, Member, Grow Urban Shade Trees (GUST), affirmed and examined

The CHAIR: Welcome. Thank you for making the time to come and give evidence. Would any of you like to start by making an opening statement?

JEN WILDER: I'd like to, yes, thank you. Thanks for listening. GUST are a community organisation who formed in 2016. We formed to address the alarming lack of canopy in our local area, which is the Woy Woy Peninsula right here on the Central Coast. We know that Central Coast Council has identified 19 dangerously hot priority suburbs, which includes our community. The unpleasant experience of living in an urban heat island is what has led us here today. Fuelled only by small donations and volunteer effort, GUST has proven that, if informed, the community does want trees and that providing them is entirely possible. In a climate emergency, it is disappointing that such vital health infrastructure has been left to the responsibility of volunteers.

Our DCP, chapter 3.5 opens by listing the many social, economic and ecological benefits of trees. However, GUST's lived experience is that this rhetoric is not upheld in practice. Planning officers are allowing the complete obliteration of vegetation in residential development sites, which often includes the street tree as well. Add to this the staggering number of tree removal approvals on private land, virtually non-existent street planting and woefully inadequate tree replacement, and the cumulative effect means urban heat will impact the community for years to come. As residents, we listen to community concerns around the prevalence of noncompliant developments being approved. Inaction on urban greening is another problem and the restricted ability to walk and ride amongst the unshaded roads and a predominance of impervious surfaces. It's difficult to classify the many changes required into the short, medium and long term, because many measures are needed as a matter of urgency and also for the long term.

We are seeking the following. We need control plans which strongly support tree retention, including existing street trees and the addition and proper establishment of new advanced trees. We need the provision of deep soil for canopy trees, ensuring the greater part of the footprint is not concrete or paved. We need stringent checks on private certifiers, ensuring that compliances have been met. We'd like to see the ceasing of rezoning recreational and community land into residential land. We need to see structural changes within council that ensure green infrastructure is not undervalued or overlooked by particular departments or managers. We need the mandatory inclusion of trees along all new shared pathways.

We need a widescale and well-funded street-tree planting program. We need an operational plan where the funding allocation reflects the enormous benefits of trees for the community. And we need ongoing education for residents and council staff to help them understand the value of trees. GUST thanks the panel for the opportunity to express just how important human health and wellbeing is in the design of our suburbs. Canopy is now widely recognised as one of the best ways to futureproof our urban environments and we hope that this can be reflected in the resourcing within both State and local government.

The CHAIR: Thank you, and thank you very much for your excellent submission. You've clearly done so much incredible work in your community and done something quite big, really. It's a very noble project you've undertaken and you're carrying on with, so thank you. Can I just ask you: When you say people want trees when there's a conversation about that, what's your experience there? What does that look like? What does it sound like? How has it manifested into that understanding for you?

DEBBIE SUNARTHA: We meet a lot of people who have moved from Sydney to come to this area. The first thing they notice is the lack of trees because they've come from Hornsby council or Ku-ring-gai council and that's why they get in touch with us, to say, "What can we do?"

LESLEY HARVEY: I think also because our little project's been going for eight years and how many trees are we up to?

DEBBIE SUNARTHA: Nine hundred and fifteen advanced trees.

LESLEY HARVEY: Yes, and it's planting by invitation. It's not guerrilla gardening. It starts with a letterbox drop. If people are interested, we go and have a look and assess. We do a Dial Before You Dig. There are some occasions on the main throughways where we know we can't plant, council has said. There are a few main roads where we know there are coaxial cables, drainage and major infrastructure. Then we have a look if there are powerlines or not, and then we help the resident pick a suitable native tree. The deal is they water it. Where the previous speakers from council said they just don't have the wherewithal for maintenance, that's the thing that works, that adoption. That's what works and people say, "Yes, I want a tree."

It doesn't matter if they don't, but then over time our trees creep around the streets, the side streets, because people see, as you saw in the photos, a little tree in a box with a sign on it, with a watering tube, and it's cared for. That's what makes the little tree survive. However, we continually see the old fibro houses being knocked down, quite obviously, and our streets get stripped of a perfectly good garden. It's a moonscape. Not even a weed is left. Then a Lego block house goes in, and there's no garden. There may be a pot plant on the porch. That's the anxiety for local residents.

JEN WILDER: Can I just add to that on education?

The CHAIR: Yes, please.

JEN WILDER: As Deb was saying, we are noticing a different demographic moving in and they tend to be better educated, better informed about the benefits of trees. We've also made a conscious effort to educate the community and we find that once people become aware of the benefits, they're more likely to have a tree, basically, and see the advantages. For instance, I had a conversation recently with a young mother who said it wasn't until she had children and had to push the pram through the heat that she even considered how important trees were. Other people have told us because they've seen our social media posts, they've seen our trees with the signs, that they've actually had the chance to consider the benefits of trees. That's when they'll be open and receptive to having one on or near their property.

The CHAIR: Just as a quick aside, it was very interesting that last night I saw the news that the court had ruled that human rights had been violated by Swiss inaction on climate. It was older ladies who had brought the proceedings because they are more susceptible to heat stress and premature death by heat.

LESLEY HARVEY: The grandmas.

The CHAIR: Yes. It was a very interesting litigation outcome. Your relationship with council: What does that look like? How does it work? Is there a relationship?

DEBBIE SUNARTHA: They know we exist. If people decide they'd like a tree, they will get in touch with council and council will often say, "You need to get in touch with GUST", which we thought was interesting. We thought, "That's a win for us, really, because they're condoning what we're doing." We've been planting for eight years but really without any council support whatsoever, but we were always pushing for their support, were always looking for help. Recently, it was very exciting to be called to a meeting with the tree management team—Lesley and I attended that meeting—where they said they'd really like to work with us on getting trees in the street. We thought, "That's great!" There's now an official application form. This has only just happened.

We've sent our first application form from a resident wanting a tree. They have chosen the tree that they would like. At that meeting, council said that they would provide the tree and plant the tree. Just this morning, I got the answer back from council and they've said, "Yes, Debbie, you can go ahead with planting a tree." They've inspected the site. They've approved the planting of the tree but they're not providing the tree, even though they did admit to there being very limited funding for street trees because there's only \$40,000 for the whole of the Central Coast in this financial year, which ends soon. Anyway, I think we're working on a good relationship. We're working on a better relationship. We're still happy to have their help because we're quite tired after 10 years. We have lives as well.

JEN WILDER: Generally, it's a constructive and positive relationship, yes. We try to keep it that way, really, for maximum effectiveness, whilst really we're lobbying for them to change many of their practices.

The CHAIR: With the life of the project, in terms of the need for scalability and ongoing, is it your view that that is something that council should be taking on? What is your future plan for your project? Will it keep going?

JEN WILDER: We would like to be obsolete. That's our wish. We feel that we're doing council's job for them for free. We're all very busy and tired and, you know. Yes, it's very demanding but we feel that we've been left with no choice but to do it because we are the ones living in an urban heat island. We've got that lived experience and it's really unpleasant. For six months of the year, it's a struggle to get around. We'd like to be obsolete.

LESLEY HARVEY: In terms of scaling up, we have had contact from one or two other groups. For instance, Canopy Keepers over on the northern beaches have really followed this similar methodology of planting by invitation. What we can do about tree demolitions is harder and we got approached by another little group—who were they, Maitland?—a few weeks ago to say, "Can you come and plant up where we are?" We're going, "Follow your own group. Here's something to go on. Away you go." We're not incorporated. We live under the umbrella of the Peninsula Environment Group, so we're not a business though some people think we are.

JEN WILDER: We've come across people in other areas who are very keen to see change and, as Lesley was saying, we're trying to encourage them to do what we're doing or at least to lobby their local councils.

DEBBIE SUNARTHA: Yes. We are confined to the peninsula, because that's already big enough. That's already a population of something like 40,000.

LESLEY HARVEY: You'll find over in Pearl Beach they have a very strong environment group over there, as they do at the Patonga residents association. There's another one at Copacabana. There's another group, Avoca residents association; Narara Ecovillage; the crowd up at Somersby are trying to hold onto the forests up there; the Central Coast environment network—we're all doing something. But our particular method of adoption is just getting the trees watered—a choice. The great Peter Cundall said the last place that people feel they have control over their environment is their garden, so we've taken that and given people a choice of what type of tree would they like because they want one, and that's what makes the program successful. And then they own it. They make a little donation, they get what they want, there it is, and they're proud of it and they look after it. It doesn't always work. Sometimes an elderly lady might get moved off into a nursing home. The tenants come in; they assume it's a council tree. Sometimes we have to do a few little rescues.

JEN WILDER: But really very few. It's very successful.

LESLEY HARVEY: So we've got a little back-up plan for trees that may not be thriving.

JEN WILDER: The education is desperately needed, though. The risk rhetoric around trees is still extremely outdated.

LESLEY HARVEY: And the insurance industry doesn't help.

The CHAIR: Can you elaborate on what that risk rhetoric around trees sounds like to you?

JEN WILDER: It's a preoccupation with the risks that trees pose and a lack of awareness of the benefits. It's usually an irrational fear. Not always; some risks are genuinely plausible.

DEBBIE SUNARTHA: But it's not always risk; it might just be inconvenience—the inconvenience of mess, leaves dropping.

JEN WILDER: And also if people have had an experience with the wrong tree that has been planted in the wrong place, they may have had a negative experience or they've read media coverage about storm damage from trees. So we just feel like there needs to be a lot more heralding of the benefits in the media, in policy—everywhere, really.

The Hon. PETER PRIMROSE: Does council have its own nursery?

DEBBIE SUNARTHA: Yes, it does have its own nursery in Erina, but we haven't received any trees from them. I don't know but I think we're not part of their budgeting. We'd like it to be that council's nursery expands and produces trees that can be used for street tree planting. At the moment that's not happening. The nursery provides plants mainly for dune and bush care.

The Hon. PETER PRIMROSE: I don't want to be critical of the council because I'm not from here, but I was a mayor of a council many, many years ago and we provided trees to people, particularly in new estates. We employed a community gardener whose job it was to advise people of the appropriate trees. To increase awareness, every citizenship ceremony, everyone there received a tree and were urged and encouraged and given information about planting it and how important it was to recognise them being new citizens of our city but also of Australia.

DEBBIE SUNARTHA: It's a lovely idea.

The Hon. PETER PRIMROSE: That was 30 years ago.

DEBBIE SUNARTHA: We don't want to bag council's nursery at all. I think it's just a limited budget that they have to work with.

The Hon. PETER PRIMROSE: As I said, I'm not going to be critical of the council, but I would have thought that this was something that was relatively important and relatively inexpensive.

JEN WILDER: We're concerned that it's importance isn't reflected in the budget, absolutely.

The Hon. PETER PRIMROSE: Anyway, thank you. It's not my town but other communities have done it and certainly continue to do it and are able to readily fit it within their council budget.

LESLEY HARVEY: Something that's quite unique in the State of New South Wales is the Coastal Open Space System that was introduced by councillors probably about 35 years ago with a budget—I think I put

that in the submission—to preserve the ridge tops from development, and that is still going even though the money put aside for the COSS lands, as we call it, appears to have been subsumed in the budget as part of the amalgamation because it was all administered by the previous Gosford council. So we are very lucky. When you look up, what can you see? The ridge tops and they're all green, and a lot of people assume that we've got a very green area until you come down and then you're in a heat bowl.

The Hon. MARK BUTTIGIEG: It's not an isolated situation to the Central Coast having spent a fair bit of time in Western Sydney growth areas during the election campaign. Are there any examples of other LGAs where a successful tree planting exercise has been carried out and the incentives surrounding that that you can point to that works?

JEN WILDER: I'd like to just start by saying we know that Lane Cove Council has an opt-out strategy where the trees are planted and you opt out if you don't want one, but most people don't. You only have to look at councils like Lane Cove or Hornsby. You can see that there's extensive street planting when you drive around and that existing trees are protected for new developments, and it's like going to another planet compared to where we live. It's a completely different culture.

LESLEY HARVEY: Also we went to a conference easily eight years ago and heard Dr Libby Gallagher talk about the Cool Streets project she ran in Blacktown for Blacktown City Council, and that reaffirmed that we're on the right track with our method of engaging the residents to give them choice. So that's another thing you could look at. I think I put that link in the submission; you can have a look at that.

The CHAIR: Yes, thank you.

LESLEY HARVEY: Macquarie University have done the right tree, right place research with their big projects, like the CO2 project out at Richmond looking at whether or not how well our native plants will respond to higher CO2 emissions which can then guide future plannings of not putting in some trees anymore because they'll fail.

The Hon. MARK BUTTIGIEG: Sorry, what's the level of obfuscation with the dialogue on this subject with the council? Where's the roadblock?

LESLEY HARVEY: Budget.

The Hon. SCOTT FARLOW: It's the money, isn't it, effectively?

The CHAIR: It sounded very much like they were saying it's fiscal. It's financial, but do you see any other less visible thing given your proximity to it all?

JEN WILDER: The lack of valuing of trees is reflected in the budget, sadly, but we've experienced structural problems that also seem to put approvals very much in the realm of the roads department, which is problematic.

The CHAIR: We did hear that in the evidence earlier. There was a very clear experience there that a tree might be proposed and the road manager says, "Actually—".

The Hon. JOHN RUDDICK: I would like to echo what the Chair said and I congratulate and applaud you on this wonderful initiative. I think it's a great name; it's a great acronym, and you're clearly passionate about it. To plant 900 trees over the last several years is something you can be very proud of. We may disagree that there is a climate emergency—in fact, we do disagree—but we are on a unity ticket that the more trees the world's got the happier we will all be. So please keep doing what you're doing.

You did say—which I thought was interesting—that when the council is attempting to plant trees themselves they have a high failure rate whereas your initiatives have a lower failure rate, which I'm sure is the case because the bureaucrats are just going to be wanting to tick a box while you genuinely care about it. You genuinely want to see that tree become a successful thing. But then you said that in a climate emergency it is disgraceful that such vital health infrastructure has been left to the responsibility of volunteers. We have said that the bureaucrats don't have a good track record on this. You do have a good track record. I understand that the three of you and probably others that you know have put in a huge effort here, so rather than trying to get the Government to do it—we know that hasn't got a good track record on it—we'd be better off seeking further volunteers from the community.

JEN WILDER: We have and we do, and we're finding people are very time poor. I know, globally, there is a volunteer shortage anyway. We would love more volunteers, but we would like it to become the job of the council. We believe it's the responsibility of council and it shouldn't be the job of volunteers.

LESLEY HARVEY: It's their land.

DEBBIE SUNARTHA: And we do have a lot of volunteers put their hand up and get in touch with us and say next time we have a planting—which we do for National Tree Day; we have bigger plantings—could they come along and help, and they do. Lots of them do come along and they help. It's great to get that support; it's terrific feedback. We also have volunteers who water the trees that are not being well looked after for whatever reason. We have people go around and water these trees during the heat of the summer. But, like Jen says, we really want it to be the job of the council.

The CHAIR: Do you think there is scope for council to run a program and to have volunteers to work with council? I understand the volunteer shortage.

JEN WILDER: That's Dunecare; that's Bushcare. The model's there, so why can't you have street tree care?

The Hon. JOHN RUDDICK: I would have thought that what you're doing at the moment is so productive and so materially good that the less control you have from the Government the better. What you're doing is so impressive, I think that you should market GUST to other local council areas across Australia and put out an instruction kit on, "Look what we've achieved here. There's a lot more to do here, but it's been a good thing, and we would encourage you to follow this blueprint." Is that something you have considered?

DEBBIE SUNARTHA: We've done that already, really. There have been other groups that have said, "Could you please send us the information that you have. How do we approach the resident? Can we have a copy of the letter that you give to the resident? What's the process?" You also have to be familiar with council regulations on planting, and factoring in infrastructure.

JEN WILDER: And also live under the umbrella of a constituted organisation. We've got volunteers insurance—public liability—when we apply for grants. You have to be an incorporated body with a constitution et cetera to apply for grants, and we have been successful in applying for grants, including one for the Queen's jubilee.

DEBBIE SUNARTHA: We do pass on any information and our expertise. We are happy to do that. We could do more but, like Jen says, we're busy.

JEN WILDER: We're strained.

LESLEY HARVEY: There are five of us.

DEBBIE SUNARTHA: I've got grandchildren, I'm a full-time worker and I volunteer already. There's only so much we can do.

The Hon. JOHN RUDDICK: Yes, I'm not asking you personally to do any more. You've already gone beyond and above. I do think if it gets merged into becoming a government department it will lose the vitality that you've brought to it, so I would encourage you to keep going as a voluntary organisation.

The Hon. SCOTT FARLOW: I echo Mr Ruddick's commendation of you and the good work that you do in the community as well. I've got to say, my great-grandmother lived in Blackwall, and there's a photo from when I was a kid of me riding my trike in front of her place, and there is not a tree in sight. So I know the challenges. But I guess one of the things we are looking at as a Committee and what recommendations we can make has been the urban tree canopy program—five million trees—but only 20 Sydney councils have been eligible to apply for funding. I was wondering if you think it would be a suitable recommendation that we had an expansion of that program and that regional communities and areas like the Central Coast would be able to apply for funding through that program to support organisations such as yours or the council's own efforts in being able to plant more trees?

JEN WILDER: Yes, in a word. Yes, please.

DEBBIE SUNARTHA: There is a grant that the State Government is offering at the moment; I can't remember the name of it. We presented that to council and said, "Why didn't you apply for this? This is a great opportunity for funding." It was specifically for greening the urban environment, and their response was, "If we have the resources, we will definitely consider that."

The Hon. SCOTT FARLOW: I think, when we have a perception in terms of—and Mr Buttigieg touched on it as well. When we think of heat islands, we think of Western Sydney and we think of places further away from the coast, but when it comes to the peninsula, of course, you've got an example of a fairly densely populated area which is by the coast but doesn't have any tree coverage. As you quite rightly said, you look at the Central Coast—we sit here in this room and we look outside and we see trees everywhere. But the reality of it on the peninsula is that once you get to the street level and the house level the trees just aren't there, and you don't

have that tree canopy to protect you. So I commend you on the work that you're doing, and if we can help in expanding our recommendations to support you, we'd love to do that.

The Hon. PETER PRIMROSE: I think that's a unanimous view. We all share that.

The CHAIR: I'm afraid we have run out of time. We could talk about trees all day. Thank you very much for your evidence. I don't think there were any questions taken on notice, but if there were, the secretariat will be in contact with you.

JEN WILDER: Thanks for coming to the coast to speak with us.

(The witnesses withdrew.)

Mr MARK SNELL, Chairman, Woy Woy Peninsula Residents Association, affirmed and examined

Mr PETER GILLIS, Founding Committee Member, Woy Woy Peninsula Residents Association, affirmed and examined

The CHAIR: Welcome and thank you for making time to give evidence today. Would either of you like to start by making an opening statement?

MARK SNELL: I'll just introduce the two of us, if you like. As well as being the chair of the association, I'm also the voluntary editor of *Peninsula News*, and I have been for 25 years. That's given me the opportunity to observe the planning process on the peninsula. Secondly, you will notice another Mark Snell has made a submission 108. That's me. I'm here today to represent the association, but I think there's a lot of crossover between the two submissions in any case. But I'll pass over to Peter to make our introductory statement.

PETER GILLIS: Thank you, Chair and Committee members, for allowing the PRA to give evidence at this hearing. The PRA submission outlined four areas of impact of climate change on our environment and community. Those were local heat island effects, coastal erosion, local flooding and endangered wildlife species. The Woy Woy peninsula sand plain houses 36,000 people in an area of 14½ square kilometres, the highest population density on the Central Coast. The sand plain averages five metres above sea level and has been made vulnerable by these impacts and by overdevelopment.

Local heat island effects are well documented as a threat to life for the elderly, the sick and children under five. The peninsula has a tree canopy of only 10 per cent, and some areas have only one canopy tree per hectare. Ettalong Beach and Booker Bay are examples of this. The result is a heat island effect of plus 5 degrees Celsius in the summer months, caused by overdevelopment, lack of tree planting and negligible tree retention.

The coastal erosion is evident everywhere. Umina Beach and Ocean Beach have a history of erosion of dunes and loss of trees from high seas and tides. Beach erosion has come within metres of roadways and swells and tides have eroded the north end of the bay at Ettalong Beach, threatening houses. There are no tangible plans in place to mitigate these effects. Council recently approved a five-storey foreshore development within 19 metres of the eroding Ettalong Beach. Local flooding from high tides now endangers properties in the north-west and frequently invades the parks in that area. High rainfall causes flooding of the creeks in the south and west and threatens homes—for example, last weekend. Some areas are only three metres above sea level and local flooding will only worsen with further extreme weather events.

Endangered wildlife species are well documented for this area, which is characterised by the Umina Coastal Sandplain Woodland, or UCSW. What was once an extensive corridor of woodland is now just several areas, each of only a few hectares. The flora and fauna have been under threat of extinction for over 20 years due to land development and management issues, which continue to this day.

Overall, the peninsula is a sad tale of overdevelopment due to disregard of existing planning rules, lack of stricter planning laws and neglect by local and State governments. Our most pressing need is for extensive tree-planting programs and local development planning rules that mandate planting of shade trees and retention of existing trees. The required 40 per cent tree canopy will cost tens of millions, require a change of attitudes and take many years, but the benefit to the community is a matter of life and death. The way forward for our community will be to strictly limit and control further development to help maintain our lifestyle and protect what is a very unique and undervalued environment in the Sydney Basin bioregion. Thank you, Madam Chair.

The CHAIR: Thank you very much.

PETER GILLIS: Chair, I wonder if I could table that speech for you and give out copies of it, simply because at the back of it there are two pages of colour pictures that explain exactly what we're talking about and may give a bit of help for the information and questions that we have coming up.

The CHAIR: Thank you very much. I was Google mapping while you were talking and trying to satellite in. I was definitely getting the feel and the geography desire.

PETER GILLIS: Exactly. That's why I've presented this, Chair. There are two pages at the back of the—

The CHAIR: There's just a short process that we go through. We just have to get the document checked and then we'll circulate it. In the meantime, if I can ask you a couple of questions I'll then throw to my colleagues and we can refer back to it, if that works for you?

PETER GILLIS: Certainly.

The CHAIR: Thank you. You've painted a very clear picture—and a very experienced, knowledgeable picture—of a community that is already exposed and will be further exposed to conditions that effectively could make the locality uninhabitable, in essence. What do you think is the mid- to long-term future of your community and the development that already exists?

PETER GILLIS: I think it's pretty stressful, actually. We have little infrastructure. The total population of the area is 38.4 thousand; as I said, 36,000 of those live on the sand plain. We have only three external roads coming in. They're one lane each. One is Woy Woy Road, the other is Brisbane Water Road, and there is a road leading over the Rip Bridge to the east of the peninsula. If there's ever a serious problem with the peninsula, those 38.4 thousand people are pretty much captured by that area. We'll go into this later when we look at the mapping that I've got. I've been there 5½ years now. The population is dominated by people of not a great socio-economic factor and the elderly. As I explained earlier, the elderly are very much affected by heat island effects. The attraction of this area to anybody is the beaches and the mountains around there and those things. It is a very attractive area for people, but we feel that it's already overpopulated. We are basically full up.

The CHAIR: I know it's a bit of a generalisation, but amongst the community is there any divide between those that are immediately adjacent to the waterfront and those that are further into the suburb?

PETER GILLIS: I don't think so, no. I frequent the beaches on most days with a dog and I meet people from the waterfront properties and from properties further out, properties of high value and properties of low value. There is absolutely no difference. It's a regional area with a very good vibe amongst the population.

The CHAIR: Is there any discussion amongst people more generally about the notion of planned retreat, or is everyone very much there, they love it and they're staying there? There's no contemplation of ever having to move when circumstances may or may not change?

MARK SNELL: I think we'd all prefer to be there; whether we're forced out is another matter. The other thing is that it is a diverse demographic, but it's interesting to see what the commonality is between those various interest groups. I would say the greatest divide is between the residents, who are part of the community, and the visitors. Things like Airbnb and that sort of use of the area have been identified in the council's housing study as being one of the issues that makes provision of housing on the peninsula difficult.

The CHAIR: Is the short-term rental accommodation a known issue amongst the community? Is that something that's active here?

MARK SNELL: Yes, it is.

The CHAIR: Thank you. I don't talk about planned retreat in a rough and ready way or a disrespectful way. I'm from Lismore. We've been through an experience and I think we're a bit more blunt and frank about some of the things we discuss, so apologies. I don't mean any disrespect.

MARK SNELL: I think the thing is that, for us, we just lack the strategies. That's really what our submission's about. The strategies that do exist really can't be defined as strategies. They're nice-sounding words but they've got no rubber on the road. There's no commitment in them to do anything. That's a broad generalisation, I know, but that is the general feeling about a lot of the stuff that comes out of council or through the planning system. We have these planning documents that essentially are discretionary, things like the DCP—guidelines only. There are hundreds of thousands of dollars and hundreds of hours of both residents' time and consultants' time and everything that has gone into them, yet they can essentially be—we can show examples of where it's essentially ignored in the planning process.

The CHAIR: Your view, therefore, is that if the DCP was an instrument that was more enforceable, you would be seeing less impacts that you're now struggling with, trying to work out how we deal with those going forward?

MARK SNELL: We've had two challenges. One is simply to get what we believe is said in the planning documents to be followed. We've been in existence just over two years and we've yet to really tackle whether the policies are right or not, but clearly what we're saying here is that they're not.

The Hon. SCOTT FARLOW: I've seen the historical pictures. *Woy-Woy The Venice of Australia* was the original marketing and I guess Venice has its own challenges when it comes to our changing environment, and Woy Woy and the Peninsula do as well. In looking at some of the challenges that are faced, now of course we've had GUST talking about the heat island effect and you've raised issues in terms of coastal erosion. From some of the maps you've shown as well, it is the design of some of the blocks that create their own problems in a sense—as I think you describe them, the gun-barrel blocks, so to speak. They're long. They're thin. It doesn't really provide, with modern housing, a great opportunity for trees or the like at each side or to be able to create much

more than a house and a driveway. Do you think there's anything the council should be doing in terms of its DCP to deal with development around this?

MARK SNELL: The quick answer is to revert to the previous DCP which, for the Peninsula, was the result of the Peninsula Urban Direction Strategy, which identified gun-barrel developments as a problem. It had an aspiration of encouraging developers to combine a number of these long narrow blocks to be able to provide medium density development with "leafy gardens", which is the character statement term. That DCP wasn't really successful in doing that, but that is the direction we need to head, and we need to have a review of what was the failure of that and how can we improve on it? What it's been replaced with is heading in the other direction entirely. We've seen a resurgence in these gun-barrel developments that previously there had been some reduction in.

The Hon. SCOTT FARLOW: Previously the council's policy had been to try to consolidate. Yes, we need medium density; yes, we need to increase diversity in terms of the housing stock but consolidate blocks in order to do it.

MARK SNELL: That's right.

The Hon. SCOTT FARLOW: Now you've had the reversion to just build on what you've got.

MARK SNELL: Their idea was—and it still says it in the LEP, even the new one—it says that we're wanting good quality, high-standard medium density development. But that hasn't occurred. For example, the narrowing setbacks for these multi-dwelling developments has meant that we are wall-to-wall concrete. That's permitted. Without the setbacks to allow the deep soil to grow things, we're just getting ourselves into a worse situation.

The CHAIR: Is your understanding that there is this awareness amongst the council staff that are working there or is it a bit head in the sand, from your perspective?

MARK SNELL: It looks to us like they do a lot of hand-wringing, but don't actually bite the bullet. I guess that's the short answer. In other words, I think there's some awareness, but I think also the amalgamation has brought with it a whole lot of problems. In some senses they're overwhelmed by their general task ahead of themselves. But these are really difficult planning issues that I think their natural reaction is to try to kick the can down the road rather than to get on and get into the detail of it. But we're here because we think that both local government and the planning system is the creature of State Government and it is the way that that is structured, particularly in relation to the planning system, that has had the consequences that it's had, both in terms of the way the council behaves and in terms of the way it plays itself out on the ground.

The CHAIR: From your organisation and the communities that you engage with, would the medium density development with more green space be preferable than, say, dual occupancy of the gun-barrel blocks?

MARK SNELL: I think that it's more a matter of what the general quality of neighbourhood life is in both cases. In other words, you can have really good multi-dwelling developments and you can have really good dual occupancies, and you can have shocking examples of both. Part of the problem that I see is that we have too much subjective judgement, not enough objectivity; we have the allowance of variants. All of these things mean that it's hard for the community to be able to respond to any public proposed document when it's put on the table, because what it seems to be saying is quite different to what it is actually saying. It wouldn't stand the test of the Australian Consumer Law.

We say that we're wanting one thing, and they're nice-sounding words, but when it comes down to it, we say we're wanting setbacks, let's say at two metres, but when it comes down to it, we actually mean 1.8 metres because of the allowable variances. We don't have a process that requires either the proponents or the council assessment staff to actually substantiate the decision to allow that variance. They just can say, "Yes, we think it's a better outcome." We've seen that time after time after time. If you're going to allow variants on the basis that you get a better outcome, then you need to be able to explain how that is, and that's not happening.

The CHAIR: Just for clarity on that, are you saying that's a wrangling that happens between the council and the proposed developer, or development, and they go into this little room by themselves and they have their discussions. They come out and everybody goes, "How did that happen?"

MARK SNELL: Yes. They have pre-lodgement meetings that are not minuted publicly. They are minuted, but the minutes aren't available publicly. There's no transparency there so we can't see what's actually going on. But also, if the council makes one decision and it goes to court, then there's conciliation meetings in the Land and Environment Court. Again, we're lucky if we get invited as a witness for council; we're not there in our own right. Secondly, that process is like a lot of Australian law. It becomes much more like a marriage guidance meeting between the council and the developer, and the kids—us—are just not included and we're not actually considered to the extent that we would be under family law.

The CHAIR: You mentioned the deep soil issue. That has come up in this inquiry so far—the importance, the value or the necessity of deep soil. Are you aware of any programs of remediation of former developments that can successfully recover deep soil access that's free from pollution in your locality?

MARK SNELL: I'm not quite sure what your question means. There's always the opportunity, and we've seen a proposal in the last year to redevelop a block that had multiple dwellings—a gun-barrel development. That's the opportunity. The other thing is—and we've suggested this in our submission to the Central Coast Council's housing strategy—there needs to be more opportunity and support for resident-led development or redevelopment. Part of the problem is that by making it, if you like, a profit-driven redevelopment, then you don't actually get our communities' needs addressed to create smaller houses at lower cost for our community, which is what we need. As Peter said, our median income is 80 per cent—20 per cent below the State average. We need lower cost housing and we need the facilities to do that.

PETER GILLIS: Also, Chair, we need remediation of the existing developments where we've got so many gun-barrels that we have a proliferation of tiles, concrete, bitumen and that's causing us the heat island effect. The other effects we can discuss as well, but without mitigating those the community is fairly much doomed. There are quite a few of those, as I will demonstrate when we have a look at these photos.

The CHAIR: We have got the photos.

PETER GILLIS: Great.

The CHAIR: We've got a few minutes to go. There are just a couple of things and we can come back to them, but one is that I would love to hear your views to elaborate on what you just said about community-led. What are some things that you have considered could improve how we engage and how we allow community to lead? The other issue I'm interested in is: Is there any land banking happening in the area? Are there specific developers or proponents? I'm basing what I'm asking on what previous witnesses alluded to. There are two things there. I'm in your hands as to whether you want to go to the photos first or how you would like to do that.

MARK SNELL: The first one is, in terms of land banking, there's one example on the peninsula with UCSW. The Hillview nursing home, which is on the corner of Hillview Street and Veron Road, was subject to a Land and Environment Court hearing. I can't remember the exact year but around 2007—*Providence Projects Pty Ltd v Gosford City Council*. The dispute was whether it was or wasn't Umina Coastal Sandplain Woodland. The court found that it was and rejected the proposal, but then the nature of the planning system was that the proponent could come back and he gets a new council, and the new council says, "Yes, that's okay."

The Hillview nursing home exists, but the part that wasn't the footprint has been attempted to be retained as Umina Coastal Sandplain Woodland, and it is a significant stand. But they were also required in the process of the approval to put, I think it was, \$225,000 aside which went into a council trust, which is called the Protection of the Environment Trust, and over the last couple of years the council's trust has been spending that money through the Bushcare program on council-held Umina Coastal Sandplain Woodland holdings. That's an example of the biobanking, if you like. The other part of your—

The CHAIR: About public participation and community-led—where that can be improved.

MARK SNELL: These questions are so big, you know?

The CHAIR: I know.

MARK SNELL: My apologies. I guess what I would ask the Committee is to really delve into the depths of some of this stuff. Since the amalgamation, we don't have community meetings that are led by the council. I'm not suggesting that Gosford council was without its problems. It certainly had them, but one of the things that it did do was to hold community meetings to try to ascertain the community feeling where this council does it on an individual basis. It just takes individual submissions and it really isn't looking at—it counts 350,000 people as its community, whereas we've made a submission to the council that we are a community in our own right, as the peninsula.

There is a social planning district of the council that is the peninsula, and two Bureau of Statistics level 2 areas encompass it. We've made a submission to the council that we should be a ward of the council in our own right. Part of the problem is, what is the community? The median population of a council in New South Wales is roughly 38,000, so if we were anywhere else in the State, we would have our own council. We wouldn't even be part of Gosford council; we would be the peninsula council. But the reality is, they can nevertheless create a community and work with us as a community rather than trying to undermine our community and say we're not a community, we're part of a bigger community. Sorry, because this is a big issue, it sort of distracts me.

But as an example of that we recently put in a submission on—they did a Central Coast night-time economy, and the way they split up the Central Coast meant that even though the peninsula has the highest turnover according to their figures in the night-time economy, we weren't even mentioned—the figures we could see in the maps that were included in the draft proposal. But they came out saying the biggest one is Terrigal, and that Terrigal and Gosford and Wyong are where things should be. So it's that lack of identity, working with a community that is a community, that sees itself as a community. I'm sure when you went to your relatives down in Blackwall, if you ask them where they came from, they would say, "We're from the peninsula."

The Hon. SCOTT FARLOW: The peninsula has its identity, yes.

MARK SNELL: And that really is, I think, central to part of what we're about. In other words, the planning needs to be at the peninsula level, at the community level. The mechanics, the conceptualisation and the processes fail us. What is the role of the community in this process? We would say we would like to see local democracy; local meaning in the peninsula and democracy meaning that we have a meaningful say in the planning, regulations and policies and strategies that affect us, and at present we don't. We get to put in a submission but we're lucky if it even sees the light of day. We put in a submission on Umina Coastal Sandplain Woodland. It didn't appear in the council agenda that we'd even made a submission. It's a substantial submission as you can see. You're free to have copies of all of these by the way if you wish. Peter wants to talk about the maps.

PETER GILLIS: We're running out of time.

The CHAIR: We are. I apologise for that.

MARK SNELL: But you can see how it's such a big issue.

The CHAIR: I do. We do.

PETER GILLIS: And a passionate issue for Mark, obviously. The first picture you've got in front of you is the Woy Woy peninsula aerial view, and that big thing in the middle of it which looks quite white is actually the peninsula. That is the sandplain with 36,000 people on it. To the left-hand side of it, you can see the mountains, and some of the area on the mountains has been populated and developed. Beside those mountains on the left-hand side, the west side, you can see areas of trees, and that's what left of the UCSW. That's the woodland; there are fragments of it all the way through. Originally it was a corridor right through there. The only plethora of trees is on Blackwall Mountain, which is the middle thing on the right, but you can see that the peninsula itself is bounded by mountains and by sea and by Brisbane Water all the way around it, so it's quite isolated and, as we said, there are only three roads into it, and they are one-lane.

If you look at the bottom of the picture, you'll see the Pacific Ocean to the south-east of Ocean Beach and Umina Beach, and you can actually see the waves coming into the headland there next to Box Head, and you can see the potential erosion from an area facing directly into the south-east of the Pacific Ocean. You can actually see that this is the most populated area of the Central Coast. This is a six-maps view. If you expanded this view, you would see that. All you would see around there would be woodlands and trees. You can see that we're quite heavily populated. It might look like medium density but it's actually 2,500 people per square kilometre in an area of 14½ square kilometres.

The next picture I've got outlines the degree of penetration of development, and this is a picture of Ettalong and Booker Bay. The main road you see going north-south on the left-hand side of it next to an oval, that's Picnic Parade and directly to the right of that is about 62 hectares, and if you want to count them you can probably see about 60 canopy trees in that area—that's all. You can clearly see the gun barrels in this picture; they're running north-south roughly. The forefathers, when they designed all this area, were actually seven degrees to the east of north. I don't know why; perhaps they were having a bad night. But you can see that this area is quite overdeveloped and it's typical of what's going on in the area in the peninsula. And it's very hard to mitigate this because those places where you see large red roofs from front to back adjacent to concrete driveways, there is no area, no deep soil, nowhere to put trees. It's going to be an uphill battle to get this plus five degrees sea going.

Those are the local heat island effects and the coastal erosion. Local flooding is on the left-hand side, on the internal side where the river streams come down from the hills. They're at about three metres. They're quite a bit lower than the average five metres of the peninsula, and they tend to flood during the recent rains that we've had. We've mentioned the endangered wildlife species of the UCSW, and if you talk about species in the whole of the peninsula itself, there aren't a lot, I've got to say. Unless you're around that Blackwall Mountain, birdlife is pretty much nothing, and very few possums, except coming out of there. Are there any questions on that?

The CHAIR: I'm afraid we've run out of time. Thank you very much. That's been very enlightening for us. And thank you for the document and the images; they're incredibly helpful.

PETER GILLIS: Thank you for having us.

The CHAIR: If there were any questions taken on notice, the secretariat will be in touch with you.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr IAN CARRUTHERS, Individual, affirmed and examined

The CHAIR: Welcome back and thank you very much for making the time to give evidence today. Would you like to start by making an opening statement?

IAN CARRUTHERS: Yes. As I said, a quick snapshot of my background: For the course of my professional career, I worked as a senior adviser to the Federal Government focusing on environmental and natural resources issues, predominantly focusing on linkages between science and policy. Over the 20 years to 2010 I was enmeshed in the broad sweep of climate change policy and program implementation, for example, leading Australia's involvement in the UN Intergovernmental Panel on Climate Change and in framing successive COAG Commonwealth and State climate change strategies. Since retiring a decade ago and living on the Central Coast, I am actively engaged in local dimensions of climate change response, for example, as a member of Central Coast Council's Catchments to Coast Advisory Committee, and I was a member of the advisory group that developed council's climate change policy, which you would have heard about this morning, I suppose.

I'm not qualified in planning law or planning approvals et cetera, but with my experience, my submission approaches the planning-climate change nexus from a high-level framework perspective. The planning system is a fundamental pillar in positioning Australia to become resilient to the increasing climate extreme events that are happening now and inevitably will become more extreme in the future. Planning previously was founded on historic climate records such as flood levels. Planning urgently must switch comprehensively to encompass projected future patterns of climate extremes. My submission identifies the need for the planning system to address both greenfield planning situations and what to do about the legacy consequences of past planning arrangements and investments. The planning system is key, but it is not the whole solution. It needs to be embedded in a comprehensive climate resilience strategy across the whole of the State Government as well as all levels of government. Thank you.

The CHAIR: Does anybody else want to start with questions?

The Hon. JOHN RUDDICK: You take the lead, Chair.

The CHAIR: Thank you, Mr Carruthers. You say that the planning system is important. Obviously, this inquiry is looking at the planning system, but what I think I'm hearing—and thank you very much for your submission. I'm reading in there that you see that there needs to be a much better connection between the three levels of government that operate and how the planning system properly talks to the climate system. I refer to "climate system" as our policy approaches to mitigation and adaptation. Is that pretty much what your analyses tell us we should be doing?

IAN CARRUTHERS: I don't think that we in Australia—governments, businesses, the whole lot—have come to grips yet with just how big a scale of problem climate impact will be in the future. I talk about this in the submission, and I give the example of exposure of residential homes on the coast and the scale there and the scale here on the Central Coast. This is going to be an enormous problem in the future, and an issue of this scale can only be tackled with a serious strategic and policy framework to approach it, and that needs to be a collective effort. I make the point that reducing emissions, we know, is a huge task, and it's where the Commonwealth and the State particularly play a role along with business and so on. In adaptation, really, that pyramid is inverted, and its local government and States that are going to be mostly responsible for framing the strategy. Local governments simply don't have the scale of resources to tackle this individually, so there needs to be a collective effort between the States and the local government. The Commonwealth will have a role, but they will see their role as much more on the emissions side than the adaptation side.

The CHAIR: I think you said that we had good climate policy in the past. I'm specifically referring back to—I think it was—about 2007 or 2008 where the Commonwealth was looking at the coasts in terms of sea level rise and coastal erosion and trying to set the framework to say there is a lot of work that needs to be done. But it seems that what we've done in New South Wales is suggest that you just prepare a coastal hazard plan, and what we have heard is that a lot of those plans are not necessarily signed off. They might not be actually dealing with the scale or the scope of what the science is putting forward. If we drew a line in the sand, for example, about all of our planning instruments that we have attempted in the past and we were doing some kind of reset now—and I'm just referring to that coastal population from sea level rise and coastal erosion—what do you think would be a perfect process between local council, community and State Government to plan right now and to plan the best we can?

IAN CARRUTHERS: Everybody is a decision-maker in this task, and you can't simply assign it to one party or another. If we start with the community, every time somebody buys a house they're taking on risk of different degrees and different circumstances. One of the first things you need to do is to provide the community—

individuals who are making these decisions—with information that empowers them to assess the risks. I'm pleased to say that the new flood planning manual for New South Wales does—I think it's principle four—state that there should be information provided to all who are involved in flood risk, but not on the coast.

The CHAIR: Just interrupting there for one second. Is the section 10.7 or the old section 149 certificate that would go with each real estate transaction of real property good enough?

IAN CARRUTHERS: I'm not sure if you're aware of the history of this one, but section 149 has been in place for a long time, and it identifies for the purchaser, in a legally prescribed way, that risks shall be declared—flood risk, bushfire, landslip and a number of other things. So the State Government brought in—it might have been around 2014 or 2015—a requirement that coastal inundation risk should be added. There was a political backlash to that. People living on the foreshore did not want that information to be displayed. It's okay for other risks, but not for coastal risk. Why? Because it affected their property values, they said, and it caused their insurance premiums to go up. Why their insurance premiums went up, I'm not entirely sure, because if you look at your home insurance policy, you'll find in the general exclusion section that certain things are generally excluded as a blanket: nuclear events, war and coastal inundation. The insurance industry has got stated reasons for that; I won't perhaps go into that now. But they won't insure for coastal inundation unless you really go and look hard to secure it—and you'll pay for it. But generally it's not available.

I think one sensible move certainly would be to have section 149 certificates for coastal inundation. Why should potential buyers essentially be denied access to that important risk information? It is not just the section 149 avenue—it's one element—but council mapping information and so on. It should all be on the table for a decision-maker—in this case the house buyer—as to what they are taking on by way of risk, and they can make considered judgements. The other aspect that I think is really important about information for decision-making is, as I say in my submission, the costs here are going to be huge. From the legacy assets that we have in place now—coming back to the coast again and that Commonwealth assessment that was done in about 2010. If I recall correctly, as part of that study, which was done at a detail of spatial scale right around the coast of Australia looking at exposed residences and exposed infrastructure assets—roads and so on—the costed value of those assets were about \$220 billion. That is in the prices of over a decade ago and who knows—obviously much larger today. And we have continued big development on the coast.

You have had submissions, I know, from the Wamberal people about what is happening down there. We have built an enormous legacy problem that is going to have to be managed, and governments certainly cannot compensate their way through this. The treasuries aren't big enough to do this. What it means is asset values will need to change in response to risk. We are seeing that happen in relation to flood. If you look at a city like Lismore, once the scale of the risk problem becomes sufficiently great and urgent, you see asset values resetting. What we need to do here is have a slow and steady reappraisal of asset values in response to understood risks. This is a national transition process, not something that becomes confronted as an unholy mess that is enormously expensive. I mean, look how the Government is struggling with the Hawkesbury-Nepean Valley. It is basically just a huge problem that is so difficult to find a way through.

The CHAIR: In terms of what I think the international bodies refer to as the hard edges of adaptation, is there any body of work that talks about anything other than planned retreat and relocation? How do you see relocation and planned retreat in relation to that kind of asset value reset?

IAN CARRUTHERS: I would basically distinguish here, as I do in my submission, between the legacy problem of existing assets, existing development, the consequences of past decisions, whether it is by local government planners or individuals or whatever—I would distinguish between the legacy situation and new development, new investments where you have the choice to actually do it on a climate resilient basis with new development and through the planning process. I don't think the planning process has come to grips with just how to do that on a number of fronts. If there is time, I will make a couple of comments about what is happening in the Central Coast Council as an example.

But in terms of the legacy situation, I think what is really important is for governments in particular to develop and engage in a community consultation process—to ask the question, "What sort of future are we trying to achieve over the next 50 years or so for the Hawkesbury-Nepean or the coast?" In the case of the coast, what do we want on our open, sandy beaches, given that these beaches, left to the impacts of increasing sea levels and greater ocean storm activity, are going to recede. Those beaches will recede. The geophysics of that are absolutely well understood. What are you going to do about that, when houses on the dunes are being undercut? Do we build seawalls? Where do we end up with that? Are we going to have complete armament of Australia's beaches, like we have at Bondi and so on? Is this what we want for the future of the coast, or do we want to let the natural process?

Of course, once you start putting in hard armouring on beaches, then you have sand being stripped away because you have changed the whole energy behaviour of the sea and the sand. People value the beaches for their recreation and all those things. Australians love going to the beach. What are we going to protect? Are we going to protect the future for the beachgoers? Are we going to protect the homes with armoured walls? There is no simple answer to this. You just have to lay out the conundrum and frame a strategy accordingly. There won't be any single approach. In some places there will be seawalls, in other places it will be appropriate to just say, "Let nature take its course," and there will have to be retreat. It ought to be on the table up-front as to what future we want in this situation.

The Hon. MARK BUTTIGIEG: Just on that point, in terms of the obvious micro example of that—in terms of the Wamberal seawall—what is your view with respect to that particular example of what you are pointing out there?

IAN CARRUTHERS: I have been a participant in council's consultations on that. I have basically taken a neutral position. Partly that is about my own reputation, in that if I take sides, one or the other, then—there is already social media attack on me for claims about things that I have said or not said, which are bunkum. I have felt it more helpful to provide advice. If you are going to have a seawall, let's get a few things right that are not being talked about. And it has influenced council's policy. For example, I advanced the proposition that if you are going to build a seawall, then when you make that decision you had better have a sand nourishment strategy in place then and now, and not leave it to when some major storm event comes and takes all the sand away to try to figure out who is going to bear the cost and what are the logistical realities of delivering that quantity of sand to the beach. Maybe the sand nourishment issue is a showstopper in terms of whether you should have a seawall. Secondly, who is going to pay—

The Hon. MARK BUTTIGIEG: Can I ask you, Mr Carruthers, on that particular point: Do you think that legwork is being done to date?

IAN CARRUTHERS: No. Council doesn't know what the answer is on sand nourishment at the moment. They haven't found a source, as far as I know. There was a State Government set-up group that was looking at that question, but I don't think that's operating any longer. I mean, I thought it was encouraging that State Parliament recently revised the offshore minerals legislation to differentiate sand mining as a mineral resource versus restoring sand to the beach. That seemed to me to be a very necessary and sensible option to bring onto the table because, as I said, I don't know in the Wamberal case what should happen. Plus, past planning decisions and continuing capitalisation on that dune really was the wrong way to go, but we're where we are and so what do you do about that? But it does come down to a matter of social equity, doesn't it. What are the rights of 60 householders who have now vastly over capitalised those blocks because they're prime sea locations versus the beachgoers who are really concerned about the future of their beach, the surf and so on? It's a wicked problem.

The Hon. MARK BUTTIGIEG: Can I pull that problem up into the more generalised context in terms of this equity issue. You've got a disproportionate effect of climate change happening in coastal regions where the equity-rich—in other words, the values of properties—is much greater on the coast. Is there a role or a way to use that wealth and equity to invest in the mitigation of climate change in the interests of those landholders? In other words, relying on the self-interested values of property owners to use the equity that they have in that to then fund investment into inoculation against environmental deprivation of climate change? You've got to find a way to use the wealth in a fair way to contribute to the mitigation, it seems to me. I just wondered if you'd thought about any methods.

IAN CARRUTHERS: No, I haven't.

The Hon. MARK BUTTIGIEG: We've got all this wealth—

IAN CARRUTHERS: It's starting to sound a bit like a tax, isn't it?

The Hon. MARK BUTTIGIEG: Well, you've got all this wealth. It's not a rhetorical question. It just seems to me that a lot of our wealth is locked up on the coastal fringe of Australia. That stands to suffer the most and they should bear some of the cost, if their property's going to be—

IAN CARRUTHERS: Yes.

The Hon. MARK BUTTIGIEG: Wamberal is a microcosm of that, of course.

IAN CARRUTHERS: Yes. I suppose, in a small way it happens with the way council general rates are set in terms of property values. Of course, if the State Government went in the direction of a land tax rather than stamp duty, that would be another way of tapping into that asset value that you speak about. But, no, I don't have any answers on that. But, look, it's a good example of the discussion that needs to be held.

The Hon. SCOTT FARLOW: Mr Carruthers, going to that wicked problem, I think your submission talks a lot about the funding arrangements, effectively. Whether it be Federal, State or local, somebody's going to have to pick up the tab somewhere. The Wamberal example, for instance, you've got property owners who will make that contribution in terms of the erection of a seawall to be able to maintain their properties. Some of these areas, you've got wealthy property owners—and coastal erosion is probably one of those examples—who will be bearing the cost.

But in other areas, like I think Ms Higginson would certainly be aware of, you've got people who are in the lower socio-economic brackets who would be up-front against the costs of our changing environment, whether that be in flood-prone areas or in bushfire-prone areas. People have taken on that risk, so to speak. I thought your point was well made in terms of the two streams, so to speak—those of past decisions and those of future decisions. Just concentrating on those of past decisions, how do you see that that cost should be shared? Insurance is, of course, one way but very imperfect, but when it comes to Federal, State and local systems, how do we share that burden and that cost?

IAN CARRUTHERS: I think, in terms of those who are least able to bear the cost, individuals, Government probably will come to the party in some way with assistance, as they do now, as happened at Grantham in Queensland after the floods there. You had investment by Government in, essentially, retreat. But as I indicated before, in terms of general compensation and assistance for the scale of the problem, I believe it's beyond the capacity of governments collectively to compensate through this. If you just look at the value of real estate in the Hawkesbury-Nepean. If we have a really big flood there, can Government really be able through financial payments to redress what people are losing? It seems beyond imagination that that could happen. I don't know what the answers are but that's why I made the point before about information's needed for people so that in time progressively, asset values can reset, reflecting the risk. I don't see any other way of essentially aligning the physical realities of the climate risk with the market. In the case of new developments, would you like me to talk about new developments a little?

The CHAIR: Please, yes.

IAN CARRUTHERS: I'm not critical of Central Coast Council's performance in this area. I make this very clear. In fact, I said that in my introduction. I've worked closely with council to try to get a really good approach to climate resilience here on the Central Coast. I think that, generally speaking, they have done a pretty good job. It hasn't been helped by their financial disaster, which stripped down their human resources to minimum levels, but in the coastal zone management plan, which recently expired but is still the basis for council policy, they say it will have an effective economic life of new households, new homes, built on the coast of 40 years to reflect 40 years of sea level rise in the future. Plus, in the submission from council, I notice that in the flood planning it's 35 years for the coast for an economic life. For flooding it's a design life. You might say, "What's the difference?"

When you look, for example, at Engineers Australia's *Australian Rainfall and Runoff* handbook, of which the latest edition is 2019, they have a whole discussion about risk management. They say that actually there are three approaches to considering risks in terms of asset life. You've got economic life. You've got design life. You've got the effective asset life. They're not the same thing. Here you've got in Central Coast Council on the coast, it's economic life, and in flooding, it's the design life. They're not quite the same thing and you need to stand back and think about what it is you're actually trying to achieve in terms of risk management. Engineers Australia's AR and R broadly recommends that you use effective asset life, which council's not using. I think the more significant issue is: Why are we approving new developments that are essentially climate-resilient for the next 40 years? Is that the right time frame for a home being built on a flood plain or on the coast?

Shouldn't we really be having a discussion about how long are these homes really going to be there? It's not going to be 40 years. How many homes get knocked down in 40 years? They're either maintained and go on for many decades or there are additions and modifications made to the existing homes in the future. There are not too many homes I see around this area getting knocked down after 40 years, so shouldn't we be thinking about a longer climate resilience horizon here than that? I think even with new developments, which is a simpler case, we need to have a discussion about things like the effective asset lives. And of course the discussion is not just about the climate risk, because as you build in more resilience, probably that's going to affect building construction costs, so let's have a discussion about where the balance point lies in terms of saving a bit of money now versus longer term resilience.

The CHAIR: That's a very interesting point. I am from Lismore. We have that very real scenario in front of us when people were talking about, "I'm just going to build back and I'm going to do it resilient." And then people are going, "Hang on, I actually can't afford to build back resilient. I can afford to build back how I

did, but marine ply is better than ply and that's going to cost me double the amount." There's that real factor right now happening in response to a climate-induced impact. It's very real.

The Hon. JOHN RUDDICK: Thank you for coming along, Mr Carruthers. Just to clarify, you retired in 2010.

IAN CARRUTHERS: Yes.

The Hon. JOHN RUDDICK: And you have spent, was it 20 or 30 years as an adviser to the Federal Government?

IAN CARRUTHERS: It was a bit over 40 years with the Federal Government in water resources, hazardous chemicals, waste management, coasts.

The Hon. JOHN RUDDICK: And you mentioned that climate change had been a concern of yours for—

IAN CARRUTHERS: But for the last 20 years was almost wholly taken up with climate change policy.

The Hon. JOHN RUDDICK: That takes us back to the late 1980s, early 1990s you've been concerned about global warming.

IAN CARRUTHERS: Yes.

The Hon. JOHN RUDDICK: At that time we were told that by now the temperature would be five degrees higher, the oceans would be five metres higher and that the Antarctic ice shelves would melt. Now none of that has happened, which is a good thing. Do you agree that those claims have not materialised?

IAN CARRUTHERS: As I said, I basically organised Australia's involvement in the UN Intergovernmental Panel on Climate Change, the IPCC, right from the early '90s through to 2010. I led the Australian delegation for many years. I don't think you'll find the IPCC reports, even the first one, talking about temperature rises and sea level rises of the scale you're speaking about in your question by this time.

The Hon. JOHN RUDDICK: There were endless predictions at that time in the 1980s and the 1990s.

IAN CARRUTHERS: Maybe the media scaremongering or the doom and gloomers were doing that but the reputable science community absolutely was not.

The Hon. JOHN RUDDICK: I disagree with that. There are plenty of examples of leading authorities predicting calamity. But my question was, it's a good thing that these things have not materialised.

IAN CARRUTHERS: Climate change is unfolding on a continuing basis. We're seeing the fingerprints of human-caused disturbance of the atmosphere with increasing greenhouse emissions. We're starting to see that human fingerprint in the climate impacts, and there's a whole discipline of climate science that looks at this question of attribution: To what extent is the pattern of extreme climate events part of natural variability and how much of it is due to the human effect? They're able to attribute that distinction. As time goes by—

The Hon. JOHN RUDDICK: I don't think that they can attribute that distinction now. I think there is still a lot of guesswork. The Bureau of Meteorology predicted that Australia would have a very hot dry summer; we had a very cool wet summer. They couldn't get that wrong with the prediction of a few months.

IAN CARRUTHERS: All I could say is if you'd like to go online and look at the latest IPCC report and look for the chapters that deal with attribution of the human fingerprint, you'll find all the science of that laid out. It's not for me to try to interpret the detail of the science here.

The Hon. JOHN RUDDICK: I'll just put it to you that mankind has suffered from many mass delusions. It's quite possible that this is another one and we should be open to that possibility.

IAN CARRUTHERS: People can believe anything they choose to believe and, as I say in my submission, in Australia we've spent 30 years on what are colloquially known as the climate wars. While some regarded climate change as an important issue to be addressed based on the science, others claimed that it's just not happening, and so we've lost 30 years in terms of action.

The Hon. JOHN RUDDICK: It was important to have a debate.

IAN CARRUTHERS: If you have a belief about something that's contrary to the science, then, sorry, but the physics of the climate system will be driving climate behaviour whatever the individual believes. It's really important that it is based on scientific evidence.

The Hon. MARK BUTTIGIEG: Point of order: I'm reluctant but I understand the member's passion for climate denialism and I understand the witness's passion for climate affirmatism, but if we're going to get anything out of this, I suggest that you call him to order on the basis that he's not actually asking questions. He's debating whether or not climate change exists.

The Hon. JOHN RUDDICK: I will relinquish, Chair.

The CHAIR: Thank you, Mr Ruddick. I'm just going to take you briefly, and I suspect you're aware of it, to the Hawkesbury-Nepean Valley Disaster Adaptation Plan. It is currently being developed. Are you aware of that?

IAN CARRUTHERS: No.

The CHAIR: Are you aware of any of the work around the Reconstruction Authority? Have you had a look at that kind of framework.

IAN CARRUTHERS: No.

The CHAIR: I was just curious because the current Government's approach carrying on from the former Government's approach is that we've got this Reconstruction Authority and it's tasked with the responsibility of preparing State mitigation disaster plans and this kind of readiness for the hazards. I was seeking your input if you'd had any thoughts around that framework because we're talking about the planning system obviously but now the Reconstruction Authority is this kind of new entrant, so to speak, into the planning system.

I was just curious as to whether you'd had a look at that. In real terms, as a planning lawyer of however many years, it really is a very different front to the planning system and we haven't really ever seen anything like that before, and it does have a lot of powers. From your evidence and your submission, you conclude that, in essence, the planning system can and does do well in certain circumstances with climate and development but your concern, with all of that knowledge over many, many years, is really about, what do we want to achieve in the future, what are the risks, how best can we grapple with them, how do we distribute those risks and how do we pay for them?

IAN CARRUTHERS: Yes, that's right. Because, as I say in the submission, since European settlement in Australia 200 years ago all that development occurred under a stable climate system. Since the last ice age, the last 10,000 years, the earth's climate has been remarkably stable in terms of when you look at all the averages of the climate record, and they do have the records going back. Yes, they didn't have thermometers back then, but in things like tree rings, brain coral cores and so on scientists are able to get a very good handle on the climate of the past. In Australia we've developed, through the planning system and investment decisions, on the basis of a stable climate. Yes, there's huge natural variability in Australia—much more so than a lot of other countries—and our planning system, to a greater or lesser degree, has managed around that natural climate pretty well, but no longer.

It's no longer a climate stasis situation. The climate system is moving due to human effect, and it's going to accelerate in the way that the climate changes. There's a big lag in the oceanography, for example, as heat is taken up into the ocean. Ninety per cent of the warming that's going on in the atmosphere due to greenhouse gases is actually being taken up into the oceans, and there's a very big lag effect due to the thermal mass of the oceans. Things like sea level rise are going to continue over centuries, so we just have to confront this fact that you can't work off the temperature averages or the rainfall averages of the past, or even the pattern of the extremes. It's all shifting upwards in terms of frequency and intensity of extreme events. That's what we have to deal with, which requires, really, a whole new planning paradigm to deal with that.

The CHAIR: You mentioned local examples earlier and you said you were going to get back to that. Have you covered what you were intending to when you were talking about those local examples?

IAN CARRUTHERS: Yes, I just thought it would be useful to talk about the example of asset life.

The CHAIR: Yes, I thought that might be it.

IAN CARRUTHERS: It's a very basic element of risk management, but there are many others as well. We haven't got time to discuss all that this afternoon but, yes, these things need some good strategic consideration about where we want to go.

The CHAIR: Can I just ask whether you have a view? We've heard today about the heat islands that we've created and caused in this particular locality on the Central Coast. Is that something you're familiar with in terms of the climate framework and the Sweltering Cities concept?

IAN CARRUTHERS: It's well known that cities have higher temperatures than rural areas. It's due to reflectance and so on, and so that's the urban heat island effect. But basically, even in a city like Sydney, the

experience of the weather in Sydney depends on whether you live on the coast or whether you're out in Western Sydney. Western Sydney has a much more extreme temperature situation and so, in terms of the planning system, we ought to be framing our development agenda to reflect those situations. Unfortunately, as I touched briefly on in my submission, in terms of heat stress and building design and homes and so on, in many ways we've gone backwards, in terms of more natural approaches like verandas and eaves and trees, to concrete developments that really rely on air conditioners to maintain temperatures. Is that a good move? We could have that discussion, I guess.

The CHAIR: Is the cause and the reason we've done that because the planning system has just let it happen? From your view, have you got any kind of visibility on why we've done that? Is it the demand, the trend or because that's what developers have built?

IAN CARRUTHERS: I don't know the answer to that. Part of it is that as the urban population increases and you intensify development—and, of course, the State Government is very much pushing that—if you go increasingly for apartment buildings, it's not feasible to have verandas and eaves to the same extent, is it? Partly it's about intensification of development driving you in the direction of relying on technology like air conditioning to maintain a habitable situation. I'm sure it's a pretty complicated story about costs of building versus the running costs of living in the building. Insulation is a good case in point. You can spend the money at the outset on putting in good insulation or double-glazed windows or whatever, or you can ignore all that and then pay a lot more to keep the place cool.

The CHAIR: Early on you said that we're all decision-makers—individuals when we're buying or whatever we're doing. Do you think that the current planning system needs improvement to be able to capture properly the power that individuals, people and communities have to drive good outcomes? Is there room for improvement and, if so, what would that look like?

IAN CARRUTHERS: I'd just go back to the point that I made before. I think information available for all decision-makers, including individuals in the community, is really important. I think governments have got quite a lot better at that over more recent years—access to hazard mapping and that sort of thing. But we used the section 149 example earlier, so clearly there's more that can be done in that space in terms of engagement with communities and about community involvement in resilience.

You mentioned the experience in Lismore. Here in the Hawkesbury, for example, there's a group in the lower Hawkesbury centred around Spencer that has done a magnificent job in developing a community resilience strategy. They've been helped by the local government and by the State Government in doing that, but that's after they were confronted with serious, repeated bushfire risks and multiple flood situations in recent years. It's a good example of how the community can, in fact, take quite an effective approach to strengthening community resilience if they've got access to information and guidance on how to go about it.

The CHAIR: We've come to time, so is there anything you'd like to finish with?

IAN CARRUTHERS: Thank you very much for the opportunity to come along this afternoon. I look forward to seeing your report.

The CHAIR: Thank you very much for your time and your evidence. I don't think there was anything taken on notice. If there was, the secretariat will contact you.

The Hon. PETER PRIMROSE: We've taken copious notes.

(The witness withdrew.)

The Committee adjourned at 14:14.