

Proforma I – 6th International Panel on Climate Change – 6 responses

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

- Current NSW Planning Policies are failing to take into account risks of developments in terms of human communities and vulnerable ecosystems in coastal areas;
- Failing to take into account latest 2021 6th International Panel on Climate Change which predicts likely sea level rises, if global warming stays below 1.5 of up to 1.06 metres on the Central Coast by 2100 and up to 2.3 metres by 2010 on the North Coast. These projections do not include processes associated with melting ice sheets which could result in sea level rise of up to 2.3 metres by 2100 and 5.5 metres by 2150 (Adapt NSW). For 2degrees Celsius global warming sea levels will rise up to 6 metres.
- These figures do not include increased cyclone and other storm activity, including storm surges.
- Over 80% of residents in NSW live within 50 km of the coast and all may be vulnerable. Developments close to estuaries, and in low lying areas are particularly vulnerable.
- Several now vulnerable and endangered ecosystems are found along the East Coast of NSW, including Coastal Swamp Oak (Endangered); Swamp Sclerophyll Forest (Endangered); Littoral Rainforests (Critically Endangered); Lowland Rainforest of Subtropical Australia (Critically Endangered), Seagrass Meadows (Endangered); Subtropical and temperate Coastal Saltmarsh (Vulnerable); Subtropical eucalypt floodplain forest and woodland of NSW north coast and S.E. Queensland (critically endangered).
- Many of these remnant ecosystems are also habitat for NSW Save Our Species endangered and vulnerable populations including koala, greater gliders; squirrel gliders; brush-tailed phascogales and many others,
- The stated objective of the NSW Save Our Species is “to increase the number of threatened species that are secure in the wild in NSW and control the key threats facing them”
- Despite this aspirational statement, Eastern Australia and NSW in particular, is ranked as a global deforestation hotspot, the only developed nation on the list and therefore a global leader in the Habitat Destruction (Nature Conservation of NSW) One of the major drivers of these looming crises are the current allowances of ‘zombie’ Developmental Approvals (DAs) that are developments approved decades ago and therefore not required to incorporate up-to-date data and modelling including climate change risk, biodiversity and the assessment of cumulative impacts of these factors and on the infrastructure needs of previously small coastal communities.

One such example is 361 Blackhead Rd, Hallidays Pt, identified koala habitat in the 1999 Hallidays Point Biodiversity Study, but approved for the development of a nursing home in 2004 despite its remoteness from all essential services, and high vulnerability to both bushfires and local flooding with a single road in and out which becomes impassable in significant events including storms and bushfires. The original DA was required to maintain significant tracts of vegetation due to the recognised potential impact on threatened species. However this was lost when in May 2020 an ‘amendment’ of the DA from built on site to manufactured off-site, and now morphed from a nursing home into a dense over 55’s life-style village, was subject to an upgraded bushfire risk assessment requiring that the whole site in perpetuity be managed as an internal Asset Protection Zone with the clearing of almost all vegetation and installation of non-flammable surfaces of concrete and mown grass. Because it was a ‘modification’ of an existing DA no community

consultation was required nor was an upgraded Environment Planning Assessment including biodiversity impact. The clearing of this corridor will impact all of Hallidays Point biodiversity and accelerate the local extinction of several threatened species including koala, brush-tailed phascogales, glossy black cockatoos, squirrel gliders & spotted tail quolls. This example highlights the need for changes to the NSW Planning Legislation Framework to:

1. Make legal changes to the nature & time frame of property rights attributed to Developmental Consents under the NSW Environmental Planning and Assessment Act to allow significant changes including priorities, transparency and potentially revocation based on up-to-date science, climate risk modelling and biodiversity cumulative impact on existing DA consents, particularly 'zombie' DAs;
2. Amend the Environmental Planning and Assessment Act (Sn 4.53) to disallow developers and property speculators to bank land for decades with exemption of up-to-date planning and biodiversity protection legislation and to tighten the developmental process to involve substantial commencement within a 5 year period as opposed to the current 'light' test of physical commencement;
3. Develop a new process in the NSW Environment Planning and Assessment Act in regard to existing DAs, including 'zombie DAs, that requires the incorporation of up-to-date modelling on climate change risk, including risk for increased severity of bushfires, coastal hazards, and flood hazards;
4. Develop a new process in the NSW Environment Planning and Assessment Act requiring a review of Development Consents, prior and proposed to demonstrate assessments to up-to-date cumulative biodiversity data/impact including climate change modelling, particularly in light of NSW Save Our Species Objectives of current and proposed DAs;
5. Develop a process of community consultation requirement in regard to significant amendments to existent DAs;
6. Strengthen legislation to address environmental risks for the issue of medium and high-density developments intended for vulnerable peoples (e.g. aged care facilities) in areas of high risk of bushfire, coastal hazards, flood hazards and other climate change heightened risk factors.

References: Australian Government: Dept of Climate Change, Energy, the Environment and Water Nature Conservation of NSW NSW Adapt Climate Change Impacts on Sea Level Rise NSW Save Our Species Link to website: https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2987&fbclid=IwAR09VTVE3v4s4PEGrfbGNrZXagKcgpRYEUq1pg-xJpQ2ITDJ-VwVer_v-M4#tab-termsreference