

**Submission
No 35**

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

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Date Received: 31 October 2023

Submission to NSW Government Inquiry into the Planning System and the Impacts of Climate Change on the Environment and Communities

The current planning system is flawed and needs to be rectified. Approved Development Applications can be dormant for many years and not assessed utilising current planning legislation (zombie DA's). At Edendale street Woollamia a development application was approved in 1995 and was activated by the erection of a fence. The 1995 DA lodged with the Shoalhaven city council deemed the subject area to be 'burnt out coastal regrowth'. This was following a hazard reduction burn conducted by the local RFS brigade in the prior year (at developer's request). In fact the area consisted of tall coastal forest comprising Bangalay Sand flat community – a listed Endangered ecological community. This site was bought by another developer in 2019 and approximately 2.0 hectares of this precious habitat forest was cleared in September 2022. A local environmental fiasco which would be magnified many times over at a state wide level because of zombie DA's.

I request the following amendments:

- (i) Require development to be "substantially" commenced within 5 years of Development Consent as opposed to the current test of "physical" commencement.
- (ii) In situations where developers propose to make significant changes to the approved development (eg. changing construction material). The amending application should be assessed against current legislation and use up to date science relating to environment and climate change (Section 4.55 EP&A Act).
- (iii) Require community consultation when developers seek significant changes to an approved DA.
- (iv) Strengthen consideration under the EP&A Act for all residential developments to thoroughly assess risks from climate change in particular sea level rise, coastal erosion, bushfire and flood.
- (v) Require DA's to be assessed for bushfire and flood potential using accepted climate change modelling and a recognised method of cumulative impact assessment. For example IPCC 2022 should be used to inform sea level rise projections. This factor will need to be adaptable to account for climate change (eg sea level rise).
- (vi) A more rigorous planning assessment system is required for protecting the known habitat of rare and threatened plants and wildlife. Elected politicians must consider that we are living in an extinction crisis and this threatens the survival of all species.