Submission No 87

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

Organisation: BirdLife Southern NSW

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birdlife
SOUTHERN NEW SOUTH WALES

To the Chair

NSW Legislative Council Portfolio Committee No. 7 (Environment and Planning)

Inquiry into the Planning System and the Impacts of Climate Change on the Environment and Communities

BirdLife Australia is the largest bird watching, research and conservation organisation in Australia. For more than a century we have been a leading advocate for native birds and for those who value them. We are independent, not-for-profit and have over 200,000 supporters nationally, including more than 72,000 active supporters in New South Wales. This submission is made by the Southern NSW Branch of BirdLife Australia and specifically addresses the inquiry's interest in assessing

> "… how the planning system can best ensure that people and the natural and built environment are protected from climate change impacts and changing landscapes, and in particular: … in areas that are threatened ecological communities or habitat for threatened species."

The inquiry's terms of reference may suggest to the casual observer that MPs have assumed that the effects of climate change offer threats which are confined to just some species and just some ecological communities. But the science shows that all areas of NSW are "areas of threatened ecological communities" or "habitats of threatened species", especially areas developed for human habitation. It is precisely because of the scale and pace of urban development in NSW that there are now so many species and ecological communities under threat of extinction. The singular cause of this is undeniably the incessant clearing of native vegetation in habitats humans have settled in. The only solution likely to remedy this problem is to strategically reinstate at least some of the natural vegetation that has been lost – and it must be reinstated consistently across all localities that have already been cleared. In other words, to address problems caused by deforestation, the people of NSW must now embark on a process of *reforestation* to such an extent that it effectively halts and reverses the steady march of extinctions and the imminent collapse of ecosystems across the state.

According to the August 2023 summary of the NSW Threatened Species Scientific Committee, in this state there are 957 species of fauna that are either threatened or vulnerable, 128 of which are birds. Studies by BirdLife Australia across the country over the last 50 years show that with very few exceptions, there have been consistent and rapid declines in the number and distribution of all native bird species across all habitats. Birds are not fixtures but are typically nomadic or migratory for at least part of their life cycles, such that the setting aside of a refuge for a threatened bird in just a few locations, usually away from populated areas, is seldom likely to ensure its survival across its historic range. There truly is an extinction crisis in NSW, it is immediate and it is statewide.

To have some hope of saving bird species from extinction and maintaining biodiversity in general, there is a crucial need for birds to be able to travel and find

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places of refuge within cities – places where they can feed, find shelter and breed. Large cities and towns like Sydney create barriers if they lack green belts or chains of closely spaced islands of natural vegetation that permit birds to readily travel and rest without being forced to cross treeless urban sprawl. Especially in times of drought and fire, relatively short distances above a few hundred metres of treeless land can be too much for many bird species to safely cross.

Green belts and island reserves for nature need to be forests or wetlands to be effective as refuges. They need to have tall shade trees, understoreys of shrubbery, and active management to protect them from key threatening processes, such as exotic feral animals, invasive weeds and native invasive species, such as the Noisy Miner. The Noisy Miner is designated in NSW as a threatening process, chiefly because of its propensity to colonise places that have been substantially cleared of undergrowth and because of is peculiar territorial aggression towards all other species of birds. Where Noisy Miners move in, most other bird species are forced out, Thus the provision of narrow bands of native bush along water courses, bike trails and picnic areas contributes little to biodiversity because they invariably offer havens for threatening processes such as the Noisy Miner.

Solutions that might reverse the effects of land clearing in our towns and cities cannot be found by ignoring the fact that planning laws and practices are a major cause of that crisis. Policy makers need to confront the reality that the traditional mindset that regularly induces reformist governments to establish national parks somewhere far away from planned developments does not compensate for the effects on local species of wholesale land clearing in urban areas. We believe that the drivers of this are planning law changes implemented over recent decades that have served to dramatically reduce the net volume and distribution of vegetation across all suburbs and townships. These are some of the features of the current planning regime that demonstrate how we believe this has come about:

There are only rewards in clearing native bushland, rarely penalties or incentives to avoid it.

Zoning instruments applicable to the development of urban areas have traditionally lacked conditionality that would require a developer or a government authority to set aside a proportion of the land to be maintained as natural vegetation. Today environmental offsets mechanisms apply to some large scale industrial and rural developments, but not to urban housing. There are no manifest incentives for developers or local government agencies to keep some natural vegetation or re-establish natural bushland when approving a major housing subdivision or any other zoning change. The climate crisis demands that land clearing rates be reversed, not just reduced, so that more land is acquired, rehabilitated and revegetated as biodiversity refuges under perpetual public guardianship. Yet precisely the opposite has happened, and that trend continues.

The decline of the quarter acre block as a housing model

Within established suburbs of the cities and towns over the last 50 years, there has been a steady reduction in the proportion of housing that is left as free-standing cottages on quarter acre blocks with driveways to a rear garage in favour of redevelopment as town houses, high rise home units, terrace housing and community title housing developments. This has led to a gradual reduction in large trees and gardens which were formerly to be found in the back yards of quarter acre block homes. The quarter acre block originated in the nineteenth century, a time where community expectations were that every household have access to their own vegetable garden, chicken run and play ground. The model produced urban streetscapes often dominated by large trees in front and back yards and numerous

places in which native fauna, especially birds, could feed and breed. That model has been in decline as governments have attempted to cope with rapidly rising populations and consequential urban sprawl.

The deforestation of surviving back yards

Particularly in this century, there has been a gradual reduction in shade tree cover and shrubbery in back yards as a result of urban consolidation laws that facilitate construction of granny flats on those allotments that had the space for them, chiefly quarter acre blocks. Since the recent acceleration of housing prices and rents, granny flat construction in the outer suburbs of Sydney has boomed with the result that more and more back yards are effectively built out and paved, always at the expense of available space for trees and shrubs.

A new house is bigger but the land it sits on is much smaller

In newly developed housing estates, especially on the outer fringes of cities and towns, the size of a single dwelling has grown while the proportion of land it occupies has shrunk, such that new homes typically have tiny back yards and short setbacks from front alignments. This has resulted in large areas of housing being incapable of supporting any shade trees on any blocks for lack of space. Especially in Sydney's outer ring of new suburbs, it has produced large areas in which there are houses in all directions, no shade trees anywhere and certainly no refuges for birds or other fauna.

Multi-car families need the front garden

The current socioeconomic trend towards single households having more than one car has correspondingly increased the practice of front yards being cleared or left as lawn-only to allow off street parking of additional cars, which in turn leads to the removal of shade trees and other plant cover. This is compounded by new high-density house designs that leave short setbacks, such that front yards are barely larger than a single car space.

Trees on public land have shrunk

Tree cover and native shrubbery on public land streetscapes has diminished as a result of gradual replacement over time of old shade trees on street verges and nature strips and their replacement with low maintenance shrubs such as bottlebrush and grevilleas. Even when shade trees are planted in streets, and survive the several decades needed to reach maturity, they make minimal contribution to supporting biodiversity as, without mid-storey and lower-level shrubbery, they cannot support the feeding, breeding and shelter needs of birds other than the invasive and aggressive Noisy Miner.

Insufficient bushland in reasonable proximity

In established suburbs of cities and towns there has always been insufficient land set aside as nature reserves, i.e. land of at least a couple of hectares of old shade trees and understorey plants that might support native bird feeding and nesting. Parks set aside by town planners last century were primarily intended to meet the need for "open space" rather than natural space, i.e. to provide space for recreation such as sports fields, playgrounds, dog parks and shade trees but with minimal shrubbery capable of providing shelter for birds and other fauna. Nature reserves exist in some suburbs, but there is patently not enough of them.

There are no mandates for natural bushland to be in proximity to where people live

While the available space in newly developed areas for trees and gardens on private land has shrunk, there has been no corresponding increase in the proportion of public land set aside and maintained for natural vegetation. Nor are there mandates for parks to be set aside in proximity to housing blocks. Instead, natural space has tended to follow only topographical features such as creeks, rivers and shorelines. Green belts and strategically placed biodiversity islands in urban areas are rarely established except if the topography allows it. In other words, despite factors that have steadily reduced tree and shrub cover across the suburbs, no effective government policy change has yet been introduced that might reverse that trend.

Public funding for the establishment and maintenance of natural bushland reserves in urban areas is paltry

Even when land is set aside for preservation or restoration as natural spaces, there are no mechanisms to fund their acquisition or maintenance. Almost all capital expenditures for parks by local governments are funded through discretionary state and federal grants, rather than more consistently funded programs aimed at achieving specific environmental outcomes. Local councils and state governments have poor records in adequately funding the recurrent costs of agencies that manage public reserves and no one is penalised for neglecting the protection of natural habitat under their care.

Conclusions

Recent announcements by government to increase the proportion of the state that is kept as national parks or other types of natural reserves, such as the Great Koala National Park, will not be enough to address the effects on biodiversity of the climate crisis. We need to accept that so much land has already been cleared in NSW that limiting ourselves to just increasing protection of what still remains will have no impact on either the climate crisis or the extinction crisis. To have a meaningful policy able to adequately address those crises, land that has already been cleared needs to be reclaimed and reinstated as natural habitat refuges in proximity to every locality in the state that has human settlement. Consequently, policy makers need to pursue state planning policies that will lead to the setting aside of land in all the suburbs of every town and city for reforestation and preservation as nature reserves. By this we mean that every suburb should have an “urban forest” and, where feasible, an “urban wetland” that can credibly serve as a refuge for fauna.

Recommendations

Given the fact that only the reversal of the widespread clearing of natural bushland would be a satisfactory response to the climate crisis and the extinction crisis, our recommendation is that reforms be made to the planning system in NSW to produce these general outcomes:

- Introduce into planning legislation statutory goals and targets aimed at increasing the proportion of land in every suburb of every city and town that may be validly designated as urban forest or urban wetland, i.e. land maintained with adequate tree cover and lower storey shrubbery that will be sufficient in its locality to support the feeding and breeding needs of native fauna (birds, mammals, amphibians, reptiles and invertebrates) indigenous to that area. The designation of urban forests and urban wetlands should be in places that are distinct from, and additional to, open space land traditionally

associated with urban parks and gardens (i.e. land developed as sporting fields, playgrounds, dog parks, bike trails and public gardens).

- Where old housing is replaced by higher density housing in established suburbs, the state should acquire land in that suburb that may be conserved or re-established as an urban forest or urban wetland.
- When new housing estates are to be built on land not previously used for housing, a condition of that approval should be the acquisition or setting aside by the developer or the state of land in that suburb to be held in public ownership and conserved or re-established as an urban forest or urban wetland.

Yours sincerely

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