

Submission
No 139

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

Name: Name suppressed
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Partially
Confidential

That Portfolio Committee 7 inquire into and report on 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: change impacts and changing landscapes, and in particular:

(a) developments proposed or approved:

(iii) in areas that are threatened ecological communities or habitat for threatened species.

The private certification system is a totally corrupted method of controlling developments and ensuring they follow the 'conditions of consent'. I am a private consultant (arborist), and regularly see that the conditions that I have adhered to as set out in the development permissions of either the Regional Planning Panel or the Council, totally ignored/ breached in the final product delivered to the community.

I know of cases where a developer has, on their go-to contracted 'staff' list, people who they have funded to do the appropriate qualifications for key the land-clearing permissions, i.e. Bushfire assessment qualification; Consulting arborist for tree assessment; and Ecologist. What results is not professional assessment but **advocacy reports**. High value habitat trees removed, forests and endangered ecological communities cleared because of inadequate and unprofessional reports. The community can't afford to go out and obtain independent reports unless they get highly organised which is extremely difficult.

Land-banking by developers with a reliance on re-zoning that was originally reserved for green belts is a really bad planning process. Developers bring all their resources to bear on the hope of obtaining the rezoning, whether it be prime forest or land that has been deliberately degraded by putting goats on it. Professional planners in councils don't seem to be able to influence the land-banking approach or are captured by it themselves.

In my opinion there should be a clear differentiation between forested and non-forested land in the 'green belt' developments. A forest is a key climate change element. COP26 to which Australia is a signatory, declared that no forest clearing will occur after 2030. Forest clearing is recognised as a key climate change trigger. Our development framework must start now to honour this commitment.

The second key issue regarding clearing forests for housing is the massive amount of habitat loss. I am in a wildlife rescue group and although we are sometimes requested to collect de-homed species most are killed in the process of the forest clearing or will soon die as they move into already occupied areas or are killed crossing roads. Thus a colleague counted 18 dead echidnas on the roads of the outskirts of Lake Macquarie after a key housing development advanced.

Developments that go up rather than removing swathes of forest should be the way of the future. Most of the large developments in the Lower Hunter have houses with very little permeable 'yard' and are heat sinks in themselves. Adapting to an 'apartment with a view' seems a desirable form of accommodation to many. It doesn't have to be on the water's edge, but is quite viable in the countryside where there's plenty of 'viewing' opportunities.

(b) the adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:

- (i) the cumulative impacts of development,
- (iii) biodiversity loss, and
- (iii) rapidly changing social, economic and environmental circumstances.

The planning powers of Councils is inadequate for the challenges of climate change. If Council even puts a notice out that certain areas are likely to be flooded in their LGA they are in danger of having the wrath of the community rain down on them for causing their properties to devalue. Hence intelligent planning cannot proceed.

Councils are hamstrung by the fear of litigation on almost every front which makes addressing the key issues of the climate change to be swept under the carpet and ignored.

Councils are currently inadequately funded and in seeking extra funding seem to be reaching out to the corporate sector to augment the coffers. The superboat racing on Lake Macquarie; the Supercars in Newcastle are all examples of sports which raise funds through filming rights but are the antithesis of managing and reducing carbon emissions.

Councils have inadequate powers/resources/resolve to make developers pay for, and amend the breaches in the conditions of consent for 'state significant developments' which have been approved by the Regional Planning Panels. Thus a group of friends checked the list of breaches of one such development in Lake Macquarie and found eleven breaches had been noted by Council officers and on writing to Council to find out the outcome of the breaches, received no answer in response to the inquiry.

Breaches of conditions of consent should be followed up by a state government constituted authority as they are often SSDs that have the highest number and most damaging breaches. It needs to be independent and properly resourced.

There is a housing shortage because Australia allows too much foreign ownership. 'Housing for Australians First' should be our motto. Stop foreign ownership as does Canada and Timor Leste for eg.