

Submission  
No 143

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

**Name:** Name suppressed  
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Partially  
Confidential

**Portfolio Committee 7 – ‘Inquiry into the planning system and the impacts of climate change on the environment and communities’.**

The State of the Environment (SOE) report stated that the growing population of NSW continues exerting pressure on the environment and that the effects of climate change are already evident and will intensify in the future. In just the past 5 years, the world has experienced a global pandemic, unprecedented and catastrophic bushfires, drought and severe flooding. The number of species listed as threatened in NSW continues to rise and one of the greatest threats to these species is vegetation clearing.

A fundamental issue is that development continues to be prioritized over the environment and ‘planning legislation’ trumps ‘environmental protections’ across the State. This looks likely to continue with this present government focused on the provision of housing and sporting facilities, as evidenced by the failure to dedicate the promised Great Koala National Park, the continuation of native forest logging and widespread community opposition to the loss of urban green space and tree canopy for the building of sports precincts – many with synthetic turf proposed. Further, the different environmental legislations and how they interact are often very confusing – even to government officials and departments directly.

We cannot contemplate saving threatened and endangered species if we continue to remove their habitat. Increasing the effectiveness of environmental protections is fundamental.

By definition, CEECs and EECs are species which are ‘Critically Endangered’ or ‘Endangered’ yet this seemingly has little or no impact on the planning processes. Biodiversity Offsets are a flawed system allowing the removal of these irreplaceable species by the misrepresentation that their loss can be somehow ‘offset’ by new planting with little consideration given that they cannot just be replaced with new planting or by leaving a 50m buffer around a nest site.

A brief summary of some major concerns are as follows:-

- 1) Biodiversity Development Assessment Reports (BDAR’s)
  - 2) Definition of ‘remnant’ vegetation in the BAM
  - 3) Need Licensing for fauna handling on development sites in NSW
  - 4) Fauna Management Plans need to be mandatory
  - 5) ‘Saving our Species’ program
  - 6) Separate DAs
  - 7) Westleigh Park zoning
  - 8) CEEC vegetation zoning
  - 9) The Precautionary Principle
  - 10) BioNet data out of date
  - 11) Merit-based assessments
  - 12) Federal Referrals
  - 13) Wildlife corridors
  - 14) Reclassification of Threatened Vegetation
  - 15) Develop-led planning
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- 1) Local councils are under increasing pressure to approve DA’s more quickly, yet often DA documents lodged are lacking in essential reports, especially for impacts on fauna & flora.

One such report that is failing to protect biodiversity is the **Biodiversity Development Assessment Report (BDAR)** which is triggered for developments which meet certain thresholds when clearing of native vegetation is occurring and the area is included on the Biodiversity Values map. It outlines how the developer proposes to avoid, minimize and offset the impacts on Threatened species.

The premise of Avoiding harm is not being truly applied in DA assessments in NSW and we need greater efforts to truly 'avoid' impacting on Endangered and Threatened species. The review of the Biodiversity Offsets Scheme will have highlighted the failure of this scheme to avoid detrimental impacts on threatened species and failing to stop ongoing extinctions. 'Avoidance' must surely mean that areas of 'Critically Endangered Ecological Communities' (CEEC) must be No-Go areas.

The provision of housing or sporting fields is presently over-riding any negative environmental impacts that will take place if a development approval is given. There is no oversight for cumulative effects on these CEECs and EEC's and on the Threatened species which are often species which are slow breeding and that only forage in particular areas as their diets are specific to certain botanical species. This includes species such as the Powerful Owl, Glossy Black Cockatoos, Grey-headed Flying Fox, numerous microbats and many other species unique only to Australia.

**The principle of Avoiding harm must be applied with strict adherence to the aim for which it was intended – to prevent further destruction to threatened species. Developers are using the term 'Avoid' as if it's a guideline whereas it needs to be the fundamental premise of the BAM and no impacts should occur to 'Critically Endangered' entities because ANY impact is too much.**

**The concept of 'Red zones' where development is not permitted should be a consideration because current categorization of a species as 'endangered' or 'critically endangered' are not ensuring areas are 'off limits', just that developers need to 'pay' to clear them which is failing to stop the loss of critical biodiversity.**

- 2) Developers will often try and justify that only a Streamlined BDAR is necessary which is often just a desktop exercise – one consultant approving the paperwork of another without actually visiting the site independently. This occurred at the ex-IBM site in West Pennant Hills where Mirvac Residential were given approval for a Streamlined BDAR in a forest containing hectares of CEEC of Blue Gum High Forest (BGHF) and Sydney Turpentine-Ironbark Forest (STIF) and many threatened species which subsequently was given approval to remove over 3,000 mature trees to make way for residential housing.

Streamlined assessments only assess impacts on Threatened species that are at risk of 'Serious and Irreversible Impact' (SAIL). On the Mirvac site, it was argued that the value of the 'Critically Endangered Ecological Communities' had deteriorated due to weed infestation and this was used by the developer to justify that it was in poor condition and therefore not as 'valuable' as CEEC.

The developer was also able to argue that some of the trees had been 'planted' and had not self-seeded so could not be considered as 'remnant' vegetation. No definition of what is considered a 'remnant' was outlined in the Biodiversity Assessment Method (BAM) so the community arguments failed to protect the CEEC on this site. Assessments were carried out by council and by the developer's consultants but despite council officers' views differing to the ecological consultants, the council reports were ignored, and the vegetation was considered not a 'remnant' through lack of a clear definition.

Furthermore, the developer failed to do any bush care on the site upon purchasing the land so the CEEC vegetation was devalued in the developers' reports stating that the weeds impacted on the

environmental value awarded to the vegetation which ultimately affected its level of protection. This needs to be addressed so that developers cannot state that infestation of weeds in CEEC and EEC means its importance is reduced. Every remnant of threatened species must be protected and remediated to ensure these species are able to survive going forward.

An area containing CEEC and EEC must not be able to be deliberately neglected in order to reduce its environmental protection status. Vegetation that was planted decades ago but that is thriving cannot be devalued purely because it was part of a remediation program previously. Threatened flora species are important now because there is so very little remaining.

The BAM methodology must consider what the definition of a 'remnant' vegetation community is to ensure that mature threatened vegetation cannot be devalued because it was once part of planting for environmental rehabilitation.

- 3) A failing of the BDAR is that it only has to detail impacts on Threatened Species 'for the purpose of working out the Biodiversity Offset Credits' that a developer must pay for causing detrimental impacts on threatened species. Yet provisions for all native wildlife must be provided as our Threatened species list increases.


DPIE have clarified in correspondence with community groups that, "any wildlife handling must be in accordance with a wildlife management plan (which must be in place if there is wildlife present)". The BDAR does not detail any protocols for wildlife handling.

There is always wildlife present – Australia has abundant native species and they live everywhere. Inappropriate handling of wildlife can cause harm in itself and that is why anyone handling fauna on development sites must be appropriately licensed and experienced.

Department of Primary Industries (DPI) have also stated in correspondence that, "Without appropriate licensing to cover fauna handling, Prevention of Cruelty to Animals Act (POCTAA) 1979 applies and penalties may result."

'Demolition and vegetation clearing is NOT research' and activities being undertaken by consultant ecologists during development works are not covered under their Animal Research Licence. This means there is no oversight for the handling of native and threatened fauna species by Animal Ethics Committees presently occurring in NSW.

ACEC have confirmed in their newsletter (May 2023) that an ecologist working under and Animal Research Authority for surveying must lodge a 'Site-Specific Amendment' to their ARA *prior to works commencing*. This must be implemented and regulated by DPI across the State and all local councils made aware of this requirement (see below)



**Spotter / Catcher and Translocation Work**

'Spotter / catcher' work is undertaken for the purpose of protecting and minimising impact on animals due to demolition or land clearing activities. These types of activities do not meet the definition of animal research under the Animal Research Act 1985, they constitute normal animal management and so are not covered under Animal Research Authorities (ARAs) for fauna surveys. Pre and post clearance surveys to determine presence of animals are considered animal research and do need to be approved under an ARA.

The Hills Shire Council were alerted to this issue and stated that, *'the onus is on these ecologists to provide the appropriate level of supervision and reporting'*. This highlights how local councils are not supervising developers and are leaving them to manage any wildlife protocols independently.

DPI have stated as part of a Statutory determination that, *"it is noted under Section 24(e) of the POCTA Act there is an exemption from the provisions of this Act for carrying out animal research. As the spotter/catcher activities that are the subject of the complaint do not constitute animal research, the provisions of the POCTAA would apply to these activities."*

There is presently no Spotter/Catcher Licence in NSW for activities involving the capture, containment and release of native and threatened wildlife.

A spotter/catcher license would ensure that anyone handling wildlife would have the necessary training and experience to do so; that they would have experience in identifying wildlife species; that the Code of Practice would be followed and that reports for impacts on wildlife would be done across the State. Protocols would be examined and impacts on wildlife could be monitored so that if a threatened species was being harmed, protocols could be reconsidered so as to ensure the harm was prevented.

Clarification of exactly how POCTAA applies to these activities would provide certainty for developers and Authorising Authorities because this is presently uncertain.

**The state must implement a Spotter/Catcher Licence which effectively ensures anyone handling wildlife is suitably experienced and trained to do so. Training must be practical and require certification.**

**A Code of Practice must accompany the Spotter/Catcher licence in order to ensure correct protocols are followed by consultants working for developers when vegetation clearing is occurring.**

- 4) A 'Fauna Management Plan' (FMP) is the last layer of protection for wildlife on development sites and yet they are not a mandatory requirement for significant developments removing large amounts of vegetation. They are only requested as a condition of consent for DAs in response to public opposition and are in addition to the BDAR.

At present, FMPs that are implemented are nothing more than a 'paper exercise' that are providing no real protection for wildlife which can literally be bulldozed when they find themselves in the way of development. Yet all native wildlife in NSW is protected by law.

A Motion was passed at the LGNSW Conference in October 2022 (see Motion 99) that 'protection of wildlife on development sites must be given greater consideration' and this was supported in a request by LGNSW to State Government in early 2023 - yet there has been no change in the protocols for wildlife handling on development sites since then.

An FMP was put in place for the Mirvac Site with strict conditions applied which included the necessity for *targeted* surveys prior to works commencing to be carried out by experts in fauna species and to put in place protections and protocols for the variety of native and threatened species that occurs across this site.

The FMP Conditions of Consent included some of the following protocols which must be incorporated into protocols for all development impacting on wildlife through removal of essential habitat:-

- Targeted surveys for known species on the site including provisions for timing of surveys and liaison with expert community groups and scientists;
- NSW Codes of Practice are to be followed;
- Top-down lopping of mature trees to ensure wildlife is not injured during felling;
- The recycling of tree hollows for use elsewhere on the site;
- The provision of species-specific nest boxes prior to works commencing;
- The consideration of timing of works to avoid breeding seasons;
- The involvement of vets to assess injured wildlife and perform euthanasia as required;
- The involvement of local wildlife rescue groups to ensure wildlife is rehabilitated if necessary;

**FMP's cannot use terminology such as 'should' but must specify that the relevant protocols 'must' be followed in line with relevant NSW codes of practice.**

**The BAM method must incorporate a requirement for an FMP as a standard practice rather than a rare occurrence when stipulated by a Planning Panel.**

**FMPs must incorporate standards in line with the NSW Code of Practice for Injured, Sick and Orphaned Protected Fauna in order to ensure fauna handling practices follow best practice guidelines and ensure that targeted surveys are done prior to significant vegetation clearing. POCTAA applies to these activities and local councils across NSW need to be advised that as the Authorising Authorities, they must ensure consultants are appropriately licensed for these Spotter/Catcher activities.**

- 5) The NSW Government has allocated \$176 million to the **'Saving our Species' (SoS) program** implemented in 2016 and going through to 2026. The SOE mentions that the number of plants, animals and communities being managed under this program is steadily rising. However, this program holds no legislative weight and if development threatens an area identified as one of the SoS priority management sites, the planning process can still proceed under the Environmental Planning and Assessment Act 1979. SoS status can be ignored and an area containing threatened species can be rezoned and cleared.

This was apparent at the ex-IBM site in West Pennant Hills where **Mirvac Residential** were given approval for residential housing in a forest that contains 'Critically Endangered Ecological Communities' of Blue Gum High Forest (BGHF) and Sydney Turpentine-Ironbark Forest (STIF). This development will impact detrimentally on numerous threatened fauna species yet in the Plan finalization report 'DPIE Place Design and Public Spaces' reported, *"the Department has received detailed advice from the Environment Energy and Science Group (EES) and recognizes the importance of conserving these communities (BGHF and STIF) and species (Powerful Owl)"*.

Mark Speakman, then Minister for the Environment stated, *"NSW has one of the world's most diverse and beautiful natural environments", "yet despite our natural wealth, NSW has nearly 1000 species on the verge of extinction. The SoS program is the NSW Governments solution"*.

**SoS priority management sites must be protected from rezoning for development and become designated areas protected for their biodiversity significance and to protect from future impacts of climate change and prevent threatened species extinction.**

- 6) The Hills Development Control Plan (THDCP) Residential 2012, 1.2 states Council's objectives are:

- ii) Ensure that development will not detrimentally affect the environment of any ADJOINING lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development; and
- v) Implement the principles of Ecologically Sustainable Development.

The Mirvac site is directly adjacent to the Cumberland State Forest, home to Powerful Owls, microbats and endangered Dural Land Snail yet even just this month (October 2023), they submitted a DA proposal for a Recreation Facility. The facility is located in an area zoned C2 Environmental Conservation but was given dispensation in 2019 within Schedule 1 of THLEP 2019 for development pursuant to clause 17(2) for a 'recreation area' and 'recreation facility (indoor)' because of an existing multi-storey car park that will be demolished as part of the housing development.

However, the DA proposal includes a Skate Park, a half Basketball Court, outdoor terrace with cooking facilities with social events proposed that will have amplified or Live music. Mirvac's proposed measures to limit the detrimental environmental impact involves just limiting the disturbance hours to end at 10pm at night. This is not appropriate for a forest with C2 Conservation zoning and does not fit the description for 'Recreation area' or 'Recreation facility (indoor)'.

Furthermore, Mirvac have lodged the DA as if it is entirely separate from any previous DAs for this same site and have therefore not included the BDAR or the FMP which was applied with strict conditions of consent for the rest of the development works.

Developers are separating large developments into smaller individual DA's and hoping that the full impact of the works will not be acknowledged under Federal Referrals or impacts on SAIL. There are still more DA's to come on this 25ha plot in West Pennant Hills with works expected to continue for several more years. The full impacts are unable to be determined when the DA documents are only presented piecemeal under separate DA lodgements.

It is quite possible for developers to consider the site in its entirety, but they choose to do separate DAs so that detrimental impacts are not all documented together. The local councils, planning panels and the community deserves to know the whole plan – and not just the small parts a developer wants known for each stage of a development.

**If a developer has bought a parcel of land with the intention to rezone and redevelop, there must be some provision for this in the planning process so that the 'overall impact' on the loss of vegetation communities and impacts on fauna can be properly considered prior to any works commencing. Splitting developments into smaller individual DAs is limiting the understanding to the Authorising Authorities and to local communities of overall impacts.**

- 7) Another DA has currently been lodged by Hornsby Shire Council in North Sydney for a Regional Sporting Complex and a 7km mountain biking trail network located in CEEC of Sydney Turpentine-Ironbark Forest and in an area containing high levels of threatened flora species.

The site is a rare plateau surrounded by residential housing to the south, west and east, and to endangered CEEC of BGHF and Berowra National Park to the North and West. There is Dog Pound Creek Biobank site to the north which contains the world's ONLY Blue Gum Diatreme Forest – which is managed under a Biobanking agreement with Hornsby Shire Council under the Biodiversity Offsets scheme. This area is protected 'in perpetuity' yet the DA just put on exhibition (DA/975/2023) suggests that this area is zoned RE1 – Public Recreation and that lighting, noise and mountain biking trails will be permitted if approved under this DA.

We strongly question how an area of CEEC which contains unique BGHF can have RE1 zoning when it is preserved under a Biobanking agreement for the loss of BGHF elsewhere. This truly highlights the inability of the BOS scheme to protect biodiversity if *an area that is land banked under BOS can be detrimentally impacted for further development at a later date* by the very council that manages the biobank agreement. This zoning is inappropriate for an area that is preserved under the BOS Scheme.

There may be a conflict of interest in the fact that Hornsby Shire Council owns this land AND manages the Biobank agreement and yet it is Hornsby council that is the developer proposing that this Regional Sports complex be approved despite the impacts it will have on 'critically endangered' vegetation both on and around the Westleigh Park site and on the nearby National Park.

More oversight must be considered when Local Councils are the developer and also the landowner of a proposed site and adjacent lands. At Westleigh Park, there is no RE1 zoning on the proposed development footprint for the sporting complex, so by including surrounding land which has the correct zoning, council is failing to rezone the main site which is currently zoned R2 Low Density Residential and C3 Environmental zoning.

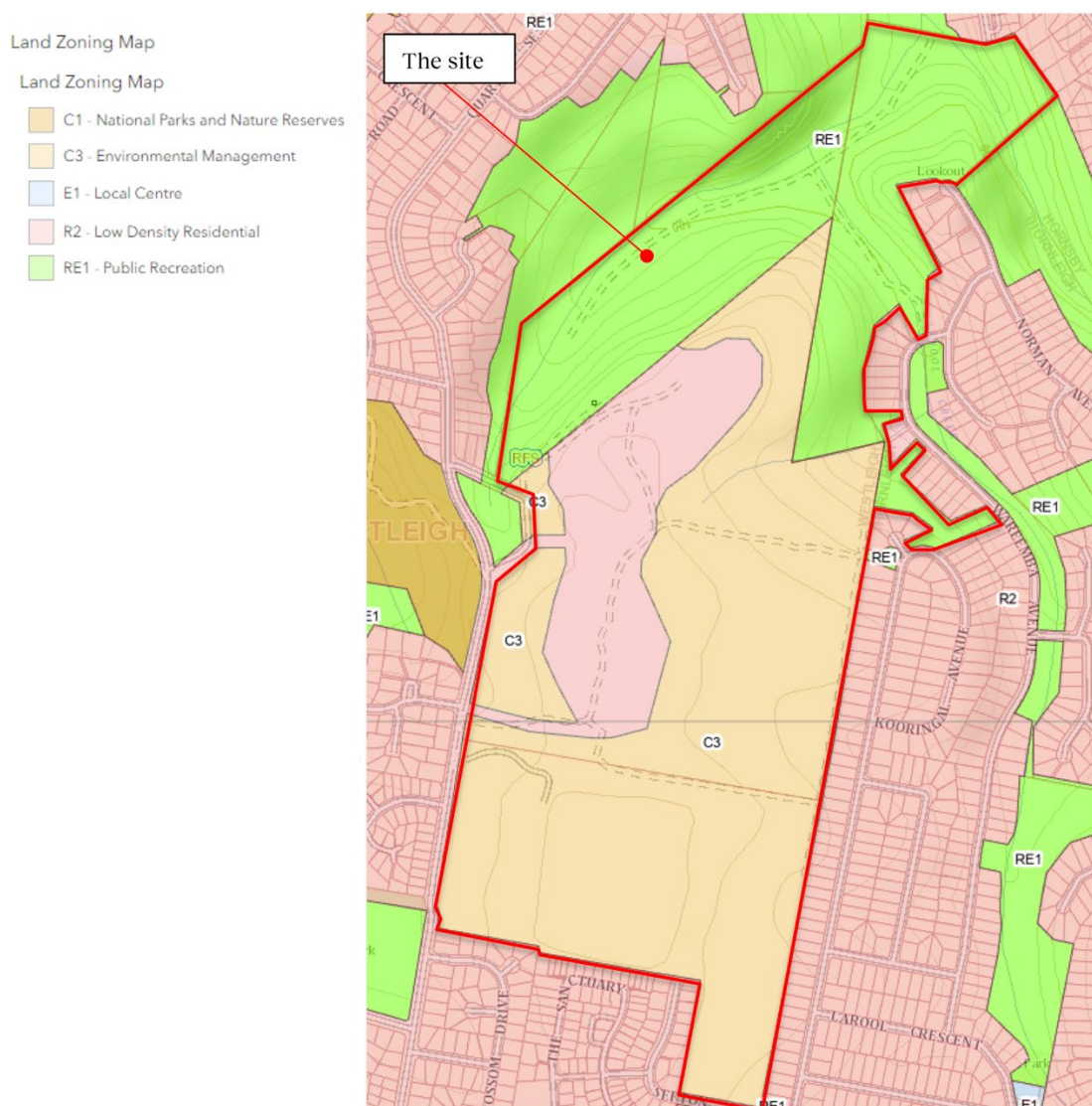


Figure 58: Extract of Digital EPI - HLEP 2013 Land Zoning Map

Extract from DA/975/2023 – Hornsby Shire Council – Environmental Impact Statement pg 177

- 8) There is a proposed rezoning at Johnson Road in Galston where 2 lots containing Sydney Turpentine-Ironbark Forest are being proposed for rezoning to 'General Industrial' by Hornsby Shire Council.



However, the community is calling for the vegetation to be given its own separate C2 Environmental Conservation zoning to protect it from any future impacts of development.

If localised development fails to give 'CEEC' vegetation its own Environmental Zoning, we will continue to see each and every remnant of these endangered species disappearing as they are cleared for development of lands given zoning across the site ignoring the vegetations' significance.

**All CEEC and EEC in NSW should be given appropriate C2 Environmental Zoning to ensure it is protected from inappropriate clearing as part of planning processes which allow it to go unprotected. Allowing individual local councils to determine the zoning of these endangered communities is exacerbating their extinction process.**

- 9) The Federal Court of Australia determined that the Precautionary Principle, under section 391(2) of the EPBC Act, must be employed when works 'threaten' environmental damage and the threat of incremental or cumulative impacts are likely.

**We believe the Precautionary Principle must be utilised more at local government level especially when impacts on 'critically endangered' or 'threatened' species are known. Across NSW we are seeing the fragmentation of more ecologically sensitive vegetation because the cumulative impacts are not being taken into account across a geographical area which may cross the boundaries of different local council borders.**

- 10) **BioNet** is the NSW government database for species tracking and collects statistics on threatened species. As recently as 4 September 2023 it was exposed as not having been updated with data from wildlife rescue groups since 2019.

Development applications using BioNet as part of their sourcing for reports will be using data that is fundamentally flawed as a basis for their continued removal of essential habitat. This is in addition to the fact that many DAs currently being approved did their flora and fauna assessments prior to the 2019/2020 catastrophic bushfires which we all recognize cost the lives of billions of native animals.

We are currently seeing the removal of areas which are the only remaining viable wildlife habitats in certain geographical areas across NSW because their planning approvals may have been given prior to the bushfires and the floods and the harm both have done to our biodiversity is still unknown.

Until an accurate understanding of the impacts of these natural disasters can be properly understood, planning approvals for areas that provide significant foraging and breeding habitats must be considered only once updated flora and fauna surveys have been conducted.

Lack of resources is impacting on the effectiveness of government record keeping and must be addressed. Data collection needs accurate recording in order to ensure developments are not being approved due to information being outdated.

**Fauna and flora reports that predated the 2019 catastrophic bushfires cannot be relied upon to provide an accurate understanding of the health of a species and up-to-date studies must be undertaken before critical habitat is cleared which cannot be replaced.**

**NSW State government needs to increase wildlife resources to ensure their website, databases and records are well maintained.**

**DAs which were approved prior to recent catastrophic environmental events should be reassessed before any works can commence. Up to date and relevant information is required to ensure our**

**endangered fauna & flora, so much of which has been lost in the past few years, receives the level of protection to stop any further extinctions.**

- 11) Developers are allowed to appeal the refusal of a DA by a local council on the merits of a development – arguing that it will create jobs, or provide necessary housing etc but when community groups want to challenge a DA they no longer have the option to do the same and make a ‘merit-based’ argument. The only options available to community groups that want to challenge an inappropriate or damaging DA is to put themselves at financial risk by fundraising or using a pro-bono legal service to request a Judicial Review or by asking for a decision by NSW Civil and Administrative Tribunal (NCAT).

However, a Judicial Review is not conducted on the merits of a development proposal – it’s purely on the planning *processes* – on whether the DA has been processed correctly and all essential criteria ticked off. A recent case in North Shore Sydney was the case with the local community challenging the installation of a synthetic turf field at Norman Griffiths Oval (Natural Grass at Norman Griffiths Inc v Kuringgai Council). However, the case by the community was lost because a Judicial Review is unable to comment on whether a development proposal has merit or will be inappropriate for the area, and not about whether synthetic turf is a safe product to install into a local residential area or consider the environmental impacts of the synthetic turf on the surrounding waterways and flora & fauna.

- 12) The purpose of the Federal Referral process is to determine whether a proposed action will impact on vegetation that is protected under national environmental law. It was once possible for a referral to be made by local community and environmental groups but changes to policy mean they can now only be submitted by the ‘Developer’ or the ‘Commonwealth, state or territory government, or an agency that’s aware of a proposed action, with administrative duties relating to the action ie. local council.’

The number of Federal Referrals being lodged has substantially decreased and yet the loss of endangered ecological communities and threatened species is continuing to rise. It is untenable that these requests for oversight from the Federal Minister on protected species should only be made by these two bodies.

We need to ensure MORE federal referrals are lodged in order to ensure they have the effect for which they were intended – that is to protect and manage nationally and internationally important flora and fauna, ecological communities and heritage places.

**The Federal Referral process needs to be adjusted back so that it is less restrictive who may make a referral to the Federal Environment minister.**

- 13) We are failing to see recommendations for adequate wildlife corridors and wildlife crossings being incorporated into our planning processes. These are essential to ensure fauna species are able to travel safely between geographical areas and would allow for adequate foraging and for healthy breeding to occur across populations.

**Recommendations for wildlife corridors must be followed and implemented in the planning process. They are essential and should not be an optional inclusion in development applications but a mandatory inclusion that must be followed. They should be a part of every development with consideration given to wildlife crossings and development should also factor in escape routes for resident fauna that may be on a site as works commence.**

Local communities are becoming increasingly frustrated at the lack of accountability with many approvals going ahead despite environmental impacts being highly concerning for local areas seeing the loss of essential green space and loss of tree canopy.

- 14) In NSW there is currently a review of the classification system for vegetation communities including that of threatened species. Each vegetation community has now been reclassified into smaller subset classifications which can result in the down-grading of a threatened vegetation community to vegetation that is now no longer considered endangered.

At **Westleigh Park**, this has occurred in recent ecological reports and an area previously defined as 'EEC' Duffy's Forest has now been split into two separate vegetation communities – one which is endangered and one which is not. This has been determined from just one 20 x 20m BAM plot. The entire forest has now been described in the DA application by the consultants as 'not EEC'.

Yet earlier ecological reports which identified the STIF and Duffy's Forest on this site have been dismissed after a convoluted explanation in the BDAR about exactly why this vegetation community does not now meet the necessary criteria – these include a statement that the, *"patches of PCT 1845 in the subject land did not meet the definition of Duffy's Forest due to anomalies in the geographical distribution and lack of diagnostic floristic species throughout the patch".*

**The extension of geographic distribution should not be a factor in the decision as it is well documented historically that range extensions for certain species occur all the time in the ecological sector.**

This highlights a further problem with the BAM methodology that on the basis of just one 'patch' selected by the developer and their consultants, the Endangered vegetation community and its endangered classification can be overruled. This justification is fundamentally flawed. Any impacts on 'critically endangered' and 'endangered' species must have rigorous assessments applied which are based on actual site surveys.

**This 'reclassification' of threatened vegetation communities seems to be another device by which justification of the removal of these flora species can be approved. The rationale is overly simplistic and is not factoring in the diversity that is seen in flora distribution and composition that occurs naturally across NSW and is adding to the extinction of species due to the effects of fragmentation.**

**If a vegetation community has been assessed by numerous ecological consultants as 'endangered' or 'critically endangered' more than a single BAM plot should be surveyed before the threatened status is removed.**

- 15) Our planning system is currently 'developer-led' which is leading our towns and cities to become fractured and for cumulative effects of 'cheap' development causing local communities to be left paying the price for this bad planning.

We need to see more consideration given to broader town planning – with all aspects of considered for creating efficient infrastructure and strong communities. The outline for our urban development must be factored into the planning prior to the application and construction phases. Infrastructure is lacking in many places with the focus just on building houses leading to traffic congestion, lack of community facilities, loss of open spaces and loss of biodiversity.

**'Bigger picture' town planning is required with 'Conservation areas' marked off first to ensure they are protected and developers being given strict guidelines and parameters for what the expectations**

are for their being *awarded* DA approval for the important role they play in building our futures. The developers must provide what the communities want and need rather than being allowed to continue giving us what they decide is satisfactory. We want better vision, better sustainability, better protections for our most precious places and a better future for us all.

This current 'developer-led' planning is not providing best outcomes.

Furthermore, local councils often lack the resources to give appropriate due diligence to the DA process and to oversee the actual project activities as they proceed which is problematic as they are often the *only* Authorising Authority.

Local councils need to be supported when inappropriate DAs are rejected and when taking action against illegal removal of vegetation and tree canopy. Currently there are developers which are happy to just accept the small fines they might receive as part of their costs of the project. Penalties need to be higher in order to be effective in stopping further fragmentation of important vegetation.

NSW Government needs to put nature protections first. It must strengthen our environmental legislations and revise the planning processes which allow our Threatened species protections to be ignored for other factors deemed 'more important' can no longer be supported.

Extinction is forever. Our wildlife habitats must be protected as a first priority. Planning around these areas can be done both sustainably and aesthetically and we will all have brighter futures with our green and natural places around us.

During the pandemic, it became clear that our open spaces and connection with nature were our sanity and our natural places are already under increasing pressure from rising temperatures due to climate change.

A major reset is required with our environment no longer sidelined.

Thank you.