

Submission
No 144

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

Name: Name suppressed
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Partially
Confidential

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

Inquiry 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:

1. (a) developments proposed or approved:
 1. (i) in flood and fire prone areas or areas that have become more exposed to natural disasters

as a result of climate change,
 - (iii) in areas that are threatened ecological communities or habitat for threatened species
2. (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,
 - (ii) climate change and natural disasters,
 - (iii) biodiversity loss, and
 - (iii) rapidly changing social, economic and environmental circumstances
3. (c) short, medium and long term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure
4. (d) alternative regulatory options to increase residential dwelling capacity where anticipated growth areas are no longer deemed suitable, or where existing capacity has been diminished due to the effects of climate change
- (e) any other related

I have lost count of the number of submissions I have submitted in the last couple of years to the Department of Planning. This is a reflection the number of inappropriate approvals (mostly mining) sought.

The current planning system is not fit for purpose. As it stands, it is the enemy of the people of NSW. I have concerns about the effectiveness and performance of the NSW Planning Department, it leaves no space for communities and first nations people.

Corruption and a lack of community advocacy within bureaucratic departments undermine public trust and the effective functioning of government. It is essential to ensure transparency, accountability, and the efficient delivery of public services. Transparency and open data initiatives promote accountability and reduce opportunities for corruption. The Department of Planning lacks transparency.

Water – is almost always not adequately assessed and with the Planning Department seemingly ignoring expert advice

It has become apparent that the DPI are approving projects against the reality of accurate water assessments. Water **is the** most valued resource, and it is quickly becoming commoditised to the highest bidder or the perceived/potential kick-back dollars. Two recent approvals: Bowdens Lead Mine and McPhillamys Gold Project are examples of this. Both projects do not have enough water, and should not have been approved, however, with some creative reporting, and management plans, the Department of Planning have given approval. Additionally, an IPC hearing saw the rights of community to a merits appeal, extinguished. Climate change has intensified the high value of water, particularly in these times of erratic climate events such as drought and wildfires, however, no additional measures have been introduced for these factors. **Water is an essential and finite resource. It deserves the highest level of attention and scrutiny.**

The people of NSW expect the Department of Planning to be impartial, to assess the facts and act according to the independent expert advice. It is not appropriate for the Department of Planning to sway with proponents for development, which regrettably has long been the case in NSW.

The environmental record of both Liberal and Labor governments in NSW, has been appalling, and the “Independent Review of The Biodiversity Act” by Ken Henry et al, confirms that.

For a short time, governments in Australia, at least paid lip service to the triple bottom line when it came to development decisions, but there was no evidence of that in NSW.

“The first and most important thing is that, if the environment is going to have a chance, then environmental considerations have to have primacy in policy thinking,” Henry said.

In regional areas, which have threatened ecological communities, or habitat for threatened species, it's as if the NSW Planning Department close their eyes to it. There is a propensity to seek reports or omit information that ignore these communities. Once again, the Bowden's Lead mine provide example of this.

Four threatened ecological communities have been overlooked or ignored.

Those are:

- 182.82 ha Regent Honey Eater Habitat,
- 139.9 ha koala habitat,
- 180 ha Box Gum Grassy Woodland (the Box Gum Grassy Woodland cannot be offset) and t Montane Mire Swamp Communities.

The bilateral assessment has failed to adequately assess several matters of National Environmental

Significance, including:

- A complex of endangered montane mire communities distributed across the tablelands and adjacent ranges of NSW which are referable to the Temperate Highland Peat Swamps on Sandstone Ecological Endangered Communities (EEC) Commonwealth EPBC Act listing. These are groundwater dependent ecosystems (GDEs) and at risk of significant impact from mining. The NSW assessment process has omitted any assessment of the presence of these on and adjacent to the mine site.

- A recent report commissioned by Mid-Western Regional Council has mapped the area as **Core Koala Habitat**. The EIS and the NSW assessment process fails to properly consider the presence of and impact on the Koala.
- The biodiversity offset strategy is incomplete.

Hence, there is a failure to meet the assessment requirements under the Bilateral Agreement EPBC 2018/8372

Further to the threatened ecological communities are the destruction of 25 of the 52 aboriginal cultural artefact sites. How can this be considered tolerable.

“As it currently stands, the NSW government does **not** have all the significant technical details implying, “let’s take this vague path, and we’ll see how it turns out.” NSW Planning Dept and the IPC have effectively “kicked the can down the road.”

It is not appropriate for major unresolved technical issues dealing with fundamental controls of agreed risks (Health, AMD, water, air quality, local economies of tourism & agriculture and biodiversity) to be resolved post-approval behind closed doors, in “Conditions of Consent and future Management Plans.” These critical issues must be addressed, scrutinised, and resolved in the EIS stage of the project. This has not occurred for the Bowdens Project, and the location makes it patently unacceptable as an experimental test site.

The DPI are charged with the responsibility of determining if a project be approved, that is, that it is in “the best interest of the state.” It seems inappropriate that a few bureaucrats would have such power. This has proven to **not**, be in “our” best interest but rather in the interest of the developer. This process too easily allows for corruption.

Under NSW law, once approved, always approved. Local councils don’t have the money to challenge approvals in court and the former Liberal government and the current Minns Labor government don’t want to know. They say it’s a matter for the councils.

The developers/miners say the developments are needed for housing/sustainable energy, but there is no way such approvals would be granted for housing or mines or anything else, under adequate environmental laws or where projects were tested on merit. They wouldn’t get to stage one.

The Bowdens project was approved “on balance.”

- The community request to know how many of us are considered collateral damage.
- What number of people is it “acceptable” to be subjects of chronic illness, and how many of our children be subjects of developmental delays.
- When do we earnestly listen to our indigenous people and stop the assault.
- When do we take seriously, the loss of biodiversity.

- What is the true cost to what is deemed as “progress that meets human need”

Recommendation:

To adopt the Preliminary Regional Issues Assessment (PRIA) process for each development at the onset, to identify potential social, cultural, environmental, health and economic, opportunities and constraints associated with the development. This process requires community and first nations involvement. Most often, the local and indigenous knowledge provides a more complete and comprehensive assessment before the expense of investigations and experts are engaged.

Communities need to be engaged up-front. A policy that ensures communities are involved in the decision making process and benefits from outputs.