

**Submission
No 160**

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

Name: Duncan Marshall
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Submission to the NSW Inquiry into the Planning System and the Impacts of Climate Change on the Environment and Communities

This is a brief, but hopefully pointed, submission on behalf of Duncan and Stephanie Marshall who have owned property, resided and worked in the Shoalhaven area for 28 years. During those years we have noted both deep concern and committed care, as well as cavalier attitudes, towards the natural environment that sustains us. The better experiences have been with local people passionate about the health of lands and waters that are the attraction and strength of the district. The worse experiences have at times been devastating, demonstrating the short-sightedness, denial of science, and servitude to profit and greed for the few, and for the short-term.

Our apologies for brevity & delay (due to work-life demands and family losses this past few months) but we stand ready to provide further documentation and explanation should that be required.

First, I will very briefly outline the relevant key issues arising from just three major **local events**.

Second, I will note several more **general issues** that emerge from the major events, and from planning (or its lack) state-wide.

Local events, 1

Before the last local government election, Shoalhaven City Council had a voting majority committed to business as usual and denial of protective measures to reduce the impacts of anthropogenic climate change. A professionally prepared review of sea-level rise (SLR) factors and likely impacts was received. The commissioned report advised likely levels in line with the general science, the likely COP scenarios (given political slow responses), the previous adopted NSW guideline, and the planning guidelines adopted by all other NSW coastal councils. The denialist majority simply took “advice” from a denier and voted to be different, thereby denying planning staff the opportunity to take measures to plan proactively for what was already an inevitable loss of foreshore habitable land to sea-level rise. When members of the Council advisory committee relevant to planning protection for the extensive shores and estuaries submitted a case for heeding the professional scientific advice, the committee was disbanded by Council vote.

Planning for community safety through adaptation and prevention, and protection of community assets should not be left subject to such wilful denials.

Local events, 2

No locals will ever forget the fast and vast fire fronts of 2019-2020. It is astounding that current development proposals can be submitted that (a) would expose an increased population and an enlarged forest perimeter to similar and growing bushfire risks, in isolated communities, frequently with only one and highly risky route to escape the fire, and with a limited water supply, and (b) would expect the increased population and housing hazard to be protected indefinitely by purely volunteer fire-fighting units. The developer seeks / gained approval to increase the risk of property and lives lost, for private profit, knowing the risks, but the endless responsibility for protection falls back on volunteers – a huge presumption in the face of fiercer more frequent fires and an ageing population.

Planning for community growth must be based on safe, defensible locations, serviced with adequate work, education, health and fire protection resources... not in isolated fire-prone settlements.

Local events, 3

Presently, our small coastal community of Callala Bay (& Beach) is threatened by Sealark P/L (acting for The Halloran Trust) with a proposed clear-felling of almost 40ha of mature forest with dense wildlife population to achieve a massive increase in housing allotments, to be sold over possibly

twelve years. The Jervis Bay Settlement Strategy (JBSS), to which the developer appeals, (a) did not actually recommend the rezoning Sealark sought, just allowed a possible investigation... and (b) JBSS and current planning law demands repeatedly that the principles of Ecologically Sustainable Development (ESD) be applied and satisfied. The JBSS suggestion has been misrepresented by Sealark and the administration of the previous (Liberal-National) NSW government.

ESD principles as professionally developed and judicially defined have not been satisfied. The off-sets and bio-banking proposals do not meet professional scrutiny... A “buried” Council report demonstrated that very clearly, and off-sets have been demonstrated state-wide, nationally, and internationally to be of very dubious environmental protection value - but a wonderful loop-hole for developers.

There is relevant knowledge of flooding down-slope that would be greatly aggravated by hard run-off surfaces. This flooding is no-where near adequately addressed by little ponds, which will overflow and flood other roads and property in major rain events. There is massively more dubious detail to this whole process which we have monitored and communicated for our community for about 9 years.

Planning for survival of endangered species – flora, especially fauna, and significantly human species – must not be subject to evasion of ESD, failure to address flooding impacts, failure to provide suitable fire protection in perpetuity, and all the above to provide a majority of lots for holiday houses – private or short-term rental. So much destruction and risk for holiday indulgence for a wealthy few – diverting from the real need for long-term safe affordable housing.

General issues, A

Trees and bulk vegetation!! These, big mature trees and extensive native vegetation, are the only proven mass-scale technology for atmospheric carbon capture, with multiple other benefits for species' health and survival. The protection of trees in urban and rural situations is vital to our protection and survival.

However, Shoalhaven City Council is struggling, after years of a 45-degree rule for urban tree removal, to institute a mature tree protection planning regime. ... let alone a propagation, restoration, and canopy increase planning rule! There is not even a reliable data-base about what has been lost.

We are faced with a global climate crisis. Fossil fuel produces vast atmospheric carbon driving global warming – air and oceans, melting glaciers and sea ice, accelerating heating and looping towards catastrophe. Yet, the previous NSW (National-Liberal) government removed the planning checks on native vegetation clearing by permitting loose categories and self-assessment. The controls have been dropped. The scientists were pressured to accept what the short-sighted land-users and lobbyists demanded. The facts are now known: native vegetation clearing has accelerated with huge implications for carbon capture... and most of this on marginal farming land with poor rainfall. This is NOT sustainable. We cannot off-load our profit-greed onto the rain-forests of Australia or the Amazon Basin: they both have their own big problems of clearing and now wild-fires.

General issues, B

Wildlife protection, flora and fauna, is not just a warm and fuzzy, cuddly and curious issue. These endangered species, the known and the unknown, are part of a hugely complex network which was balanced and self-directing for thousands of years. Enter European settlers and many species have been pushed out and become locally extinct, often before they were even adequately known.

Land-based NSW national parks and even private properties afford some protection against deliberate killing of native species. I cannot go shooting a few kangaroos and koalas for food or “sport”. Even so, koalas are now extinct in the Shoalhaven, and greater gliders are at risk.

However, NSW marine parks permit fishing, even some commercialised fishing and aquaculture. This is not actually based on scientific assessment of the viability, just on the knowledge that we don't yet know that it is not sustainable or viable for the fished species. How can it be that planning for the "use" of marine parks is based on ignorance? How can we accept the degradation of ecologies, balanced marine ecosystems, for the sport of killing fish (and other marine species). Even the sanctuary zones in marine parks have been curtailed and suspended. Whole marine parks have been threatened. Marine and terrestrial parks should preserve and provide through sanctuary zones an assured surviving population of naturally occurring species.

General issues, C

Efficient and sustainable habitation planning for the human population will have to reduce the real and social costs of servicing with transport, education, emergency and health services. Such housing will also need to retain the tree canopy and not carve into the forest on which we depend for carbon capture. Even when we have achieved (??) carbon neutral or net zero, or necessarily carbon-negative status, smaller, versatile efficient housing will be necessary. Demolishing the Koala forests, or clear-felling the small area of Greater Glider habitat not impacted by the huge bushfires, must become unthinkable.

Summary comment

Any entity that allowed such self-destructive "planning" practices or lack of controls would soon face bankruptcy. Its stakeholders would not have viable living and sustainable spaces. That is not the future that the people and eco-systems of NSW want or need as they face the climate crisis.

C Duncan & Y Stephanie Marshall