



CLARENCE ENVIRONMENT CENTRE

29-31 Skinner Street

South Grafton 2460

Phone/ Fax: 02 6643 1863

Web site: www.cec.org.au

E-mail: admin@cec.org.au

Submission

to

Department of Planning & Infrastructure

NSW Planning System Review , GPO Box 39, Sydney 2001

on

Issues Paper of the NSW Planning System Review

Compiled for Clarence Environment Centre
by John Edwards
Honorary Secretary
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Submission to Planning Review

Preamble

The Clarence Environment Centre has maintained a shop-front in Grafton for over 22 years, and has a proud record of environmental advocacy, particularly relating to biodiversity conservation through appropriate planning mechanisms. In recent years we have made submissions to a number of planning initiatives including the Regional Strategies, Regional Conservation Plans, Council's LEP, and the Department of Environment's BioBanking initiative.

As an environment group this submission will concentrate on Term of Reference 4, 1st dot point, that “*enunciates what should be the philosophy and objectives to underpin a new planning system*”, addressing the ecological consequences of growth-driven development, 4th dot point.

Introduction.

Earlier in 2011, the NSW Government released its Biodiversity Policy for public comment. That document opened with the following assertion, informing us that:

“The number of species becoming threatened continues to increase, and many common plants and animals have lost genetic diversity through reduced population sizes and localised extinctions. The decline of biodiversity is most obvious in the decreasing populations of vertebrate animals, loss of extent of habitat, and the fragmentation and degradation of forests, rivers and other ecosystems. The drivers of decline lead to the simplification and fragmentation of our natural ecosystems, which has progressively weakened their resilience and adaptability.”

In relation to threatened species, Loss and fragmentation of habitat is listed in almost every case as the primary cause of these declines. The Biodiversity Policy Paper committed: “... *to working with all levels of government, industry, business, and the community to conserve Australia's biodiversity and maintain healthy functioning ecosystems*”. The need for this commitment is also spelled out, reminding us that: “*Biodiversity contributes to providing the ecosystem services that form our natural capital: fresh water, clean air, soil fertility and biological pest control. It is fundamental to our physical, social, cultural and economic wellbeing*”. The Federal Government's Strategy (2010–2030) reinforces that point with the unambiguous assertion that: “*Biodiversity is essential for our existence*”, an admission that **without biodiversity, the human race would cease to exist.**

The best way to halt biodiversity decline, is to stop knocking it down in the first place. This statement is included in a number of biodiversity strategies, but nobody takes a blind bit of notice of it. Just this week, figures were released showing land-clearing in NSW at record levels, **with almost 70,000 hectares cleared in 2009-2010**. The Pacific Highway upgrade is a prime example of this, with native forest areas a clear preference when choosing preferred routes, and then clearing corridors up to 150 metres wide to construct a motorway with a footprint of just 40 metres.

We believe that developer calls for a “balance” between social, economic and environmental concerns, are simply code for reducing impediments to development, and it is imperative that all native vegetation be protected wherever possible. There is ample cleared land available for growth needs well into the future, but despite promoting this, the Department of Planning's Mid North Coast Regional Strategy still identified the heavily forested Gulmarrad area in the Lower Clarence as a growth area, a clear example of biodiversity strategies being ignored in the planning process.

The way forward

The Clarence Environment Centre believes any development project should have to comply with a checklist including the following considerations. We support those considerations by including existing requirements, and recommendations from various State and Federal plans and strategies:

- **Residential and industrial developments must be located adjacent to existing facilities, particularly medical, education, public transport, and retail outlets. Essentially this is to ensure residents need to expend minimum time accessing work places, and other facilities, reducing motor vehicle usage, and with it greenhouse gas emissions.**

This need is identified by the Mid North Coast Regional Strategy (page 24), stating: *“Land use and transport planning will be integrated to minimise the need to travel.”* And: *Encourage the growth and redevelopment... through urban design and renewal strategies...* (page 11).

- **No development should be approved until a full risk assessment of potential climate change impacts has been undertaken. With predicted sea level rises and more extreme flood events, low-lying areas and other flood-prone land should be avoided. This consideration should extend well beyond the current 90 year horizon, to avoid creating subdivisions with a “use by date” such as is the case of West Yamba in the Clarence Valley District.**

This is also recommended by the Strategy (page 34) which states: *“The plans should consider the potential for risks to increase under climate change (including sea-level rise and more frequent and more intense storm events).”* Also: *“Better understand and manage natural hazards, including flooding, coastal erosion and inundation, land instability”.*

- **No residential or industrial development should be undertaken until waste water treatment infrastructure is upgraded to best practice standards, incorporating reuse technology. This requirement is self-evident. We can no longer accept the use of our rivers and oceans as a dumping ground for effluent, treated or otherwise.**

An issue mentioned, albeit briefly, by the Strategy (page 39) recommending: *“Improved water cycle management to increase reuse of effluent and reduce the impact of sewage and stormwater.”*

- **No residential or industrial development should be approved until a secure water supply is assured. In this instance climate change and global warming may be a key factor.**

Again the Strategy agreed, citing the Shannon Creek dam as an example (page39).

- **No development should impact on prime agricultural land. In view of world-wide food shortages, exacerbated by an expanding world population, any loss of prime agricultural land to development should be morally unacceptable.**

The Strategy also identifies the need to protect valuable agricultural land, acknowledging (page 29) that: *“High quality farmland has in the past been lost to urban and rural residential development”*, an (page 31): *“The prime areas for these crops need to be identified and protected from settlement encroachment.”* Then (page 32); *“The Department of Planning will complete and implement the Mid North Coast Farmland Mapping Project.”* Also: *“Manage the expected population growth in a way that... limits damage to environmental and rural production values.* (page 7), and *“It is critical to keep the best farmland areas intact (page 5).*

- **No development should be located in areas that are subject to isolation due to flooding. Again, climate change will be a factor.**

Flooding is also identified in the Strategy (page 34), stating: *“The Regional Strategy recognises that some areas may be subject to the effects of major natural hazards such as flooding”*, claiming also that *“Flooding is a major hazard that may result in community dislocation and substantial economic and social costs.”*

- **All new development should be located in areas that are already cleared of natural vegetation. This should please developers by greatly reducing ecological assessment costs.**

The Regional strategies recommends developments should: *“Improve protection and enhancement of environmental assets, including biodiversity, wetlands, littoral rainforest, koala habitat, estuaries, and landscape values.* (page 6).

- **No residential or industrial development should be located in areas that are bushfire prone, or that will require the clearing of native vegetation for fire breaks.**

Fire is briefly identified (page 34) stating: “*Other hazards may include bushfire...*”. However, the response to that hazard has been referenced to the 2001 “*Planning for Bushfire Protection*” strategy, which allows for massive fire breaks to be constructed. This needs to be updated.

Also: “*Better understand and manage natural hazards, including... bushfire hazard and acid sulphate soils.*” (page 6).

- **No development should be approved without measures taken to avoid pollution run-off into wetlands, rivers etc.**
- Once again the strategy is in part agreement, having identified the commercial value of the natural environment, and stating (page 29), “*Containing these impacts will require limiting the creation of additional lots that front watercourses.*” The Centre would much prefer the word 'limiting' be replaced by 'preventing'. As it stands, this appears to be another loophole which can be exploited by 'innovative' development (see page 45). *New development adjoining... waterways, wetlands, and areas with high value biodiversity will incorporate buffers* (page 32).
- **In the event that loss of native vegetation is unavoidable, offsets that involve the protection of existing vegetation should not be allowed, as that offset vegetation should already be protected. Instead, offsets should involve revegetation and rehabilitation of degraded land, with preference given to joining remnant native vegetation to enhance already mapped wildlife migration corridors.**

This is identified in the Federal Biodiversity Conservation Strategy 2010-2020 (page 92), which stated: “*In this context ecological connectivity includes the use of habitat restoration works (e.g. replanting riparian or grassland habitats), creating corridors (e.g. between nearby remnant habitats in good condition) and other complementary land uses (e.g. establishing permanent buffers between paddocks) that as a whole will help to retain biodiversity and key ecological functions across landscapes.*” Also, the Regional strategy makes frequent reference to the need (including page 47) for: “*identification and protection of key conservation values, eg regional conservation and habitat corridors, ability to maximise new development on cleared areas*”.

- **Finally, we identify the most environmentally destructive form of residential development, “rural” residential. Land zoned rural residential is often sited in bushland, and their size is such that after a building envelope is cleared, and vegetation removed for roads, fences, services delivery, etc, very little vegetation remains. Following construction, any remnant forest is invariably “underscrubbed” (a process of removing all understorey vegetation and 'dangerous' older trees, to create a park-like vista which reduces biodiversity by as much as 90%), the property is usually replanted with exotic species.**

Submissions to the Regional Strategies implored the Minister to review what were clearly excessive, and in many cases inappropriate rural residential zonings, but she refused to do so. As a result those zonings have been incorporated into LEPs and the problems persist.

The Regional Strategies clearly identified the overall need to maximise housing density to support the principle of sustainable development (up to 15 dwellings per hectare deemed to be appropriate), explaining that, “*opportunities for increased dwelling densities will be explored in inland centres and towns, where these higher density housing styles are able to be met*”.

In the interim however, in the Clarence Valley we have had a boom in rural residential development at Coutts Crossing, Lawrence, West Yamba, and Waterview Heights. Not only that, but approved residential growth areas at Clarenza, Junction Hill and Gulmarrad, where there was an expectation that high density residential areas would be built, have all seen a significant proportion set aside as rural residential (0.5 hectare). **We believe this is contrary to the spirit of the Regional Strategies, and must be addressed.**

- **Something that the Regional Strategies fail to address are the provision of covenants to restrict domestic pets that continue to wreck havoc on Australia's unique wildlife. Even the Federal Biodiversity Plan, despite identifying (page 83) the damage done to wildlife and the environment generally by feral animals, fails to address the problem of domestic pets. Therefore we believe there should be a greater use of covenants to restrict dogs and cats in particular.**
- **Planning strategies must take a more progressive stance on building standards. For example, we believe there should be restrictions on the use of native forest timbers to construct decking, and out-door entertainment areas. We also believe dark coloured roofs and other structures should be banned in an attempt to eliminate the Urban heat island effect.**

As well we believe the current trend to construct “McMansions” that are poorly designed in relation to energy efficiency, has to be addressed. To achieve that, the current point-scoring elements of the “BASIX” initiative should be reviewed and expanded, and those elements made compulsory on all new residences and industrial complexes.

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In conclusion.

It is clear our suggestions contain nothing new, and all are already supported by a variety of State and Federal plans and strategies. However, it is also clear that those documents have been filed away gathering dust, with their aims and recommendations being routinely ignored.

Infrastructure provision, such as the Pacific Highway upgrade, is being constructed in forested areas, where three times as much land is cleared than is necessary.

The trend in residential development everywhere on the north coast of NSW is, contrary to the Planning Department's aim for higher density living to help achieve sustainable development, is towards ever bigger homes on ever bigger blocks of land.

Within the past 2 years, Clarence Valley Council has separately approved rural residential subdivisions on a mapped forested wildlife corridor; in high conservation value forest; adjacent to internationally significant wetlands, and on land that was illegally cleared. Currently consideration is being given to the approval of two rural residential developments, one that will see significant loss of core Koala habitat, and the other on flood-prone land at West Yamba which will likely be inundated by rising sea-levels within 150 years.

Unrealistic timber supply agreements is seeing forests on public and private land clear-felled. In 2009-2010 alone, timber harvesting saw the loss of 42,700 hectares of forest in NSW. Blatantly illegal logging of an endangered rainforest community by Forests NSW in Grange State Forest, resulted in a paltry \$3,000 fine, with no rehabilitation ordered. It would take a minimum of 400 years for that rainforest to recover to its pre-logging condition, and many of the other clear-felled forests will never fully recover their original structure.

The depressing point is that all of these excesses are government driven, and condoned by regulatory agencies that refuse to apply the environmental laws and principles that are in place. Laws and regulations are only as good as their implementation. Attitudes must change.

We thank you for the opportunity to comment, and sincerely hope those comments result in change.

Yours sincerely.