

## **HISTORICAL DEVELOPMENT CONSENTS IN NSW**

**Organisation:** Callala Matters

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## INQUIRY INTO HISTORICAL DEVELOPMENT CONSENTS IN NSW

I'm Rob Barrel, a resident of Callala Bay on the NSW South Coast and the convenor of the community group *Callala Matters*. Thank you for the opportunity to bring to your attention a subdivision planned for Callala Bay. While not strictly a "zombie DA" because no DA has yet been granted, the subdivision planned by the Halloran Trust/Sealark has all the hallmarks of a zombie DA.

The Halloran family has owned vast tracts of land in the Shoalhaven for over a century and has been lobbying for permission to develop their land in Callala Bay and Culburra Beach for at least fifty years. The **Jervis Bay Regional Environment Plan 1996** included 330 ha adjacent to Callala Bay as a potential new urban release. The **Jervis Bay Settlement Strategy 2003** acknowledged that a large part of the area is a wetland that contains significant native vegetation, so the area for potential subdivision was reduced to 35ha.

The **JBSS 2003**, now 21 years old, was used successfully by Halloran/Sealark to lobby the State to change the zoning to Residential for 40ha of healthy, unburnt forest Federally designated as a *Lowland Forest Endangered Ecological Community*. The forest is home to three endangered species and four vulnerable species. The zoning change was granted despite the current **Illawarra Shoalhaven Regional Plan 2021** that requires planning decisions to:

*Strategy 11.1: Protect, maintain or restore important environmental assets.*

*Strategy 11.2: Protect and enhance the function and resilience of biodiversity corridors*

*Strategy 11.3: Consider the needs of climate refugia for threatened and dominant species*

*Strategy 11.4: Protect biodiversity values in urban release areas.*

To proceed with the subdivision, the developer is required to achieve biodiversity certification, a mechanism that allows integration of planning for biodiversity conservation and proposed land use intensification at the strategic planning level. It is intended to run alongside and compliment/support the rezoning process. During the certification process the Planning Authority must identify:

- Areas of high biodiversity value to be protected from development; and
- Other areas of lower biodiversity value, including cleared land that is suitable for development purposes

Despite that the biodiversity certification application was lodged in 2019, the developer was allowed to use the **Threatened Species Conservation Act 1995**, which was repealed and replaced in 2016 and predates the catastrophic fires that burned 85% of Shoalhaven forests. The biodiversity certification application should have used the current **Biodiversity Assessment Methodology**, which acknowledges that the 40ha in Callala is vital habitat for the endangered Greater Glider, Gang-gang Cockatoo and Bauer's Midge Orchid and the vulnerable Yellow-bellied glider, Eastern Pygmy-possum, Glossy-black cockatoo and Grey-headed Flying-fox.

We made the Shoalhaven City Councillors aware of the significant deficiencies of the biodiversity certification application and they voted to withdraw support for it. The developer must now apply again using current methodology, but this should have been so in the first place, not because of the efforts of a small community group.

Not only are very old Council-approved DAs being resurrected as zombie developments, but State-level planning processes continue to allow major developments according to old, outdated methodology. Humans have the capacity to learn and adjust to changing circumstances. Certainly the rules that we create for ourselves should do so as well.



Greater Glider

40ha subdivision site  
Callala Bay NSW

Yellow-bellied  
Glider