

**Submission
No 11**

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

Organisation: Callala Matters
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Submission to: **INQUIRY INTO THE PLANNING SYSTEM AND THE IMPACTS OF CLIMATE CHANGE ON THE ENVIRONMENT AND COMMUNITIES**

By: **CALLALA MATTERS**

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Callala Bay and Callala Beach are small coastal communities with a combined population of 3,800 located on the NSW South Coast 22 kilometres from the Nowra CBD. Bordering Jervis Bay, Callala is a popular weekend and holiday destination on Jervis Bay Marine Park with spectacular sandy beaches and healthy coastal forest, home to several threatened and endangered species. Most of the available lots have been developed but one-third of the homes in Callala Bay and two-thirds in Callala Beach are vacant most of the year.

For many years the Halloran Trust has planned a large subdivision in Callala Bay, currently 380 lots on 41ha. The Halloran subdivision is a case study of how NOT to plan a sustainable, future-proof community that prioritises liveability and nature-positivity. It exemplifies several of the reasons that the current NSW planning system is outdated and fails to account for the impacts of climate change on communities and the environment.

Background

More than a century ago Henry Halloran purchased vast tracts of land in NSW and the ACT. He and his descendants have developed much of their Shoalhaven land into residential communities at Culburra Beach, Callala Bay and Beach, Vincentia, St Georges Basin and Sussex Inlet but the Halloran Trust still owns 2,760ha of land in the area.

Halloran has long been interested in developing its remaining land in the Shoalhaven region. However, a significant portion of this land is classified as "Category 2 – Sensitive Regulated Land" under the Local Land Services Act, which restricts the clearing of native vegetation. Utilising outdated planning law, Halloran exploited the flawed NSW Biodiversity Offset Scheme to create a biobank agreement over the undevelopable land in exchange for the rezoning of 41ha of healthy coastal forest near Callala Bay for a residential subdivision. The NSW Department of Planning and Environment approved the rezoning in October 2022 despite that the requisite Biodiversity Certification was not approved.

Failed Planning Outcomes

1. The subdivision does not meet the requirements of the Jervis Bay Settlement Strategy 2003 (JBSS), which nominated 35ha (not 41ha) in Callala Bay as a "potential new urban release" contingent on site constraints around:
 - a. *Threatened species (eg. Yellow Bellied Glider);*
 - b. *Localised habitat corridors;*
 - c. *Significance of vegetation within the subject land....*

The subdivision plan makes a small concession for endangered Bauer's Midge Orchids but offers no protection for endangered greater gliders or gang gang cockatoos – nor other threatened species including the yellow-bellied glider, grey-headed flying fox, glossy-black cockatoo and eastern pygmy-possum. No habitat corridor is proposed. All but 2ha will be razed, including old-growth forest containing vital hollow-bearing trees, in what the Biodiversity Certification application acknowledges as “a complete loss of all biodiversity values”.

2. The approval of rezoning, without prior Biodiversity Certification, disregards a critical process meant to protect biodiversity. Biodiversity Certification is a mechanism that allows the integration of planning for biodiversity conservation at the strategic planning level and is intended to run alongside the rezoning process. Biodiversity Certification cannot be approved unless the Planning Authority identifies:
 - a. *Areas of high biodiversity value to be protected from development; and*
 - b. *Other areas of lower biodiversity value, including cleared land that is suitable for development purposes.*

These requirements were ignored. The entire subdivision site features high biodiversity value and is Federally designated as “Critically Endangered.” Shoalhaven City Council biodiversity-offset-certified ecologists evaluated the proponent's application for Biodiversity Certification and concluded: “the current design/footprint of this development should not be supported”. The damning report, only identified by a community GIPA application, was in line with most of the 97% of public submissions that opposed the subdivision. When this was brought to the attention of the SCC, they withdrew their application (on behalf of Halloran) for Biodiversity Certification.

3. The proposed destruction of a healthy, mature coastal forest that survived the catastrophic bushfires of 2019-20 underscores the conflict in current planning rules between for-profit development and environmental protection for sustainable growth and ignores the long-term effects of climate change on communities and the environment. Given the increasingly arid climate, it is unconscionable to intentionally obliterate critical endangered species habitat to expand suburbia.
4. Contrary to claims that the subdivision will increase affordable housing opportunities, the Halloran subdivision will exacerbate the housing crisis by releasing expensive houses, over a 12-year period to maximize profits, into a community where median house prices are among the state's highest. The location is distant from jobs, high schools, hospitals, shops, public transportation and infrastructure. Already 66% of houses in Callala Beach and 29% in Callala Bay stand empty. Proper planning could enable community growth without compromising the forest that lends the region its unique charm.

Conclusion

The proposed Halloran subdivision in Callala Bay serves as a stark example of the inadequacies within the current New South Wales planning system and highlights several critical issues that need urgent attention to safeguard our communities and the environment, particularly in the face of climate change.

The failure of the subdivision to align with the Jervis Bay Settlement Strategy reflects a lack of adherence to established guidelines and a disregard for ecological preservation. The proposed subdivision inadequately addresses the protection of endangered species and crucial habitat corridors, resulting in the certain loss of significant biodiversity values.

The approval of rezoning by the NSW Department of Planning and Environment without prior Biodiversity Certification undermines a fundamental process intended to safeguard biodiversity.

The removal of a healthy mature coastal forest that survived the devastating bushfires of 2019-20 highlights a disregard for the long-term effects of climate change on our environment. It is imperative to integrate development with environmental preservation to address the evolving challenges presented by climate change.

Finally, the proposed subdivision's contribution to the housing crisis is dubious, with no clear strategy for public housing provisions and a slow release of expensive properties in a location that lacks essential amenities. Proper planning is needed to foster community growth without compromising the unique and alluring ecological character of the region.

In summary, the Halloran subdivision case underscores the pressing need for a modernized and environmentally conscious planning system in New South Wales to replace the inefficient and inequitable status quo where development projects are approved or rejected according to the political climate at the local and state level. Such a science-based system must prioritize biodiversity preservation, sustainable development and community needs while accounting for the impacts of climate change to future-proof new development. Failure to address these issues will only perpetuate the problems evident in this case and compromise the well-being of both communities and the environment.