

**Submission  
No 105**

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

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

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In October 2022, the NSW Department of Planning and Environment rezoned 40ha of healthy coastal forest near Callala Bay for a residential subdivision, without first establishing biodiversity certification. The site is among a small percentage of the region's forest to survive the devastating 2019-2020 fires. It lacks development infrastructure, is home to several endangered and threatened species and 97% of the 1029 submissions about the subdivision were opposed to it. The site is federally designated as having high conservation value, it is bordered by National Park and adjacent to the Jervis Bay Marine Park.

The Halloran Trust has planned a large subdivision on land that it has owned for over a century in Callala Bay, a small village on the edge of Jervis Bay south of Sydney. The Halloran subdivision exemplifies a broken NSW planning system that:

- allows development approvals without considering the past impacts, current threats and future likelihood of bushfires.
- ignores sound strategic planning that does consider the economic, environmental and cultural effects of habitat destruction.
- favours developer profit over community building.
- undermines scientific evaluation of biodiversity value.

Before the Black Summer fires incinerated 80% of Shoalhaven forests, 35ha (not 40ha) of Halloran land in Callala Bay was nominated in the Jervis Bay Settlement Strategy 2003 (JBSS) as a *“potential new urban release.”* In approving the rezoning to General Residential, the NSW DPE failed to adhere to both the spirit and the detail of the JBSS, which states, *“given the environmental constraints and the need to protect the region’s unique environment, there will be limited opportunities to continue to expand existing urban areas into the future. Thus other options to accommodate growth, such as urban consolidation and higher density residential, will need to be considered if growth is to continue in the future.”*

The subdivision does not meet the specific requirements of the JBSS, which include constraints around *“threatened species, localised habitat corridors and significance of vegetation within the subject land...”* There is a token concession for endangered Bauer’s Midge Orchids but 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 40ha will be razed, including old-growth forest containing vital hollow-bearing trees, in what the developer’s Biodiversity Certification application acknowledges is *“a complete loss of all biodiversity values”*.

The Callala land was rezoned without the requisite Biodiversity Certification, a critical requirement in the rezoning process that allows the integration of planning for biodiversity conservation at the strategic planning level. Biodiversity Certification cannot be approved

unless the Planning Authority identifies *“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.”* These requirements were ignored. The entire subdivision site has high biodiversity value and is federally designated as “Critically Endangered.” A Shoalhaven City Council report concluded: “the current design/footprint of this development should not be supported”.

The aforementioned report, by biodiversity-offset-certified ecologists, was only identified by a community GIPA application and SCC planners did not include it in the Council submission for the subdivision. Furthermore, 97% of public submissions opposed the subdivision. When this was brought to the attention of the elected SCC Councillors, they voted to withdraw their application (on behalf of Halloran) for Biodiversity Certification. But the State’s rezoning decision had already been made.

**Recommendations for changes to the New South Wales planning system to protect the environment and communities from the impacts of inappropriate zoning decisions and the future impacts of climate change.**

The NSW State Government should:

1. Ensure that the environmental impact of developments informs future planning decisions, particularly considering climate change.
2. Recognise immediate threats to already endangered species and ecological communities.
3. Prevent pressure on local councils to boost housing availability from justifying the approval of unsuitable subdivisions on ecologically valuable land.
4. Implement a moratorium on developments in bushfire-prone areas approved before the 2019/20 Black Summer bushfires.
5. Reassess all biodiversity certification and development consents under current environmental and planning legislation.
6. Require local authorities to regularly report approved or pending DAs and zoning decisions to the Environmental Protection Authority (EPA) and empower the EPA to assess cumulative effects, ensuring a comprehensive evaluation of environmental impacts.
7. Fully resource the EPA to actively monitor developer actions and legislate for consequences in cases of deliberate omission of environmental information or damage to the environment before obtaining development approval, thus discouraging destructive actions and ensuring developers do not receive rewards for such actions.
8. Standardize equitable cooperation between planning professionals and environmental scientists to assess developments with future-proofing communities as the priority.
9. Ensure development proposals are assessed in their broader geographical context, not in isolation, with particular emphasis on the potential for sites to connect and strengthen areas already established as environmentally significant.
10. Take action to change past planning decisions that cause harm to the cultural, environmental and structural fabric of coastal communities.

