

Submission
No 128

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

Name: Name suppressed
Date Received: 30 October 2023

Partially
Confidential

To: Parliament NSW, c/o Sue Higginson

Re. Inquiry into the NSW planning system and the impacts of climate change on the environment and communities

Dear Committee,

I live and work on the south coast as a professional ecologist. I have worked in this area for more than 20 years. I am an accredited BAM assessor in NSW and I know the planning system and the environmental laws of this state well. Thank you for the opportunity to write a submission to this enquiry.

The main reason for providing this submission is to express my serious concerns regarding one approved development in particular, DA 1989/1180, Lot 1087/-/1240676 in Mirador (between Tura Beach and Merimbula, Bega Valley, NSW South Coast).

The development will cause the clear felling of 10 ha of sensitive coastal bushland, **based on an environmental assessment which was carried out in 1989, more than thirty years ago (!)**.

This is indeed the case, and I am dumbfounded and shocked by this fact alone. As you would be aware, a large number of biota (flora and fauna) has been added to the list of threatened and endangered species since 1989.

It is deeply disturbing that the NSW planning system allows a development like this to go ahead without a requirement to redo the environmental assessment or for the project to undergo a thorough review.

If this development goes ahead, we will all witness the wilful and deliberate killing and destruction of threatened species, included federally listed species, and their habitat. And you will demonstrate clearly that the planning process of NSW does not consider the interests of the environment and the people of NSW.

For your information, it is likely that the Mirador development will cause significant harm on the following biodiversity values:

1. **Threatened species, habitat trees, ecosystems:** this is an area of remnant mature coastal forest with a high number of hollow bearing trees and quality ground cover habitat that support a range of threatened flora and fauna species including - but not limited to – the Merimbula Starhair, the Long-nosed Potoroo, and the hollow-dependent Yellow-bellied Glider, Eastern Pygmy Possum, Glossy Black-cockatoo, and Gang-gang Cockatoo. The Powerful Owl and Barking Owl are frequently heard calling and most likely breed here. It provides foraging habitat for the Grey-headed Flying fox and the critically endangered Swift Parrot. **Five of the above species are also listed as threatened under federal legislation.** Countless other creatures live there to form a thriving, functional ecosystem. Functional ecosystems are our buffer against the impacts of climate change.

2. **Merimbula Starhair:** There is a significant number of the endangered plant Merimbula Starhair on the development site. This plant has special protection in NSW where it is listed as a **SAll species** under the NSW Biodiversity Conservation Act (species at risk of 'Serious and Irreversible Impact' of development). It only occurs in this area in Australia. Following the NSW BC Act, the consent authority **must not grant development approval** if it is determined that a proposal is likely to have a serious and irreversible impact on this plant (Clause 6.7 of the Biodiversity Regulation 2017).
3. **Loss of connectivity:** This land provides a critical east-west corridor for animals to move between the Bega Aboriginal Land Council land immediately adjoining to the north and west, to enable them to move freely to fresh water sources and the coastal forest to the east. By allowing all this land to be developed you are not only removing critical habitat but isolating native fauna in a coastal zone bordered by urbanisation with no movement corridors and access to water.
4. **Sedimentation, runoff and pollution:** DA 1989/1180 will cause clear felling of 10 ha of sloping land in a gully on sandy soils in a protected riparian and watercourse zone which is part of the Merimbula Back Lake catchment. The developer has already been investigated by Council and subsequently fined for allowing pollution from earlier stages of the Mirador development to run into the Back Lake at Merimbula.

In our work as ecologists, we seek to achieve the best outcome for the community and for the environment. We need to be keenly aware of the high value of dwindling biodiversity values such as mature trees, sensitive vegetation, forested creek lines, water quality, corridors in the landscape, the effects of climate change etc. We need to make sure proposals are changed, or the layout of the DAs adjusted, to avoid these values. Our motto is to "avoid, minimize, and mitigate impacts on biodiversity values". This approach is drummed into us by the NSW Department of Planning, Industry and the Environment, and by the environmental legislation of our time.

We are fully and deeply aware that **the protection of these values is a fundamental principle, an investment in our safety and future security**. It is not only a protection of the 'beauty of our biodiversity'. The wilful destruction of remnant and functional coastal forests is unsustainable and dangerous to us all. **This DA would not have been approved today.**

This is the reason why I am speaking out. To allow the clear felling of 10 ha of sensitive coastal bushland, based on an environmental assessment carried out in the 1980's, is wrong. To wave these old inappropriate DAs through with the careless attitude that our 'hands are tied' etc. is essentially a break of the bond of trust between the elected officials of this community and the people that live here. You cannot let it happen.

Thank you for the opportunity to voice my opinion on this matter.

Kind regards and with respect,

Ecologist

MEnvMgt, Accredited BAM Assessor NSW