

**Submission
No 236**

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

Organisation: Jerrinja Local Aboriginal Land Council

Date Received: 3 May 2024



3rd May 2024

Dear Inquiry Members,

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

Under the NSW Aboriginal Land Rights Act, Jerrinja LALC are recognised as traditional custodians of the land on which developments of concern are proposed. Our connection to Country, the spiritual, social, and cultural importance of that lands, and our mandate to protect it are legislated.

We hold grave concerns that the types of developments discussed in this inquiry (Also termed Zombie DA developments) , if approved, would have a significant impact on the cultural and ecological value of our land and seascapes. This includes an impact on threatened species and endangered ecological communities, magnified as this land is also one of the few unburnt areas of the coast, at a time when our ecosystems and landscape resilience are at their most fragile.

Ecological values are also our cultural values. And again, as these places, these sites are now of the very few remaining areas not impacted by the 2020 bushfires, the Aboriginal cultural heritage and ecological value – particularly in terms of intangible heritage – has also increased significantly.

As has been noted by our Jerrinja LALC in relation to other proposals in the past (repeatedly over and over again), Cultural Heritage due diligence requirements are developed in line with the current, deeply flawed, processes and legislative framework for the protection of Aboriginal cultural heritage. As an Aboriginal community we find the process of assessment of our sites and their value being reflected in relation to their scientific classification completely inappropriate and offensive.

We will continue to fight against our cultural heritage being dismissed by the paradigm of western science and interpreted through the lens of privilege that provides a token understanding of real connection and belonging to Country. The cultural and social impacts from bad development cannot be underestimated - or undone if given undue or undeserving license to go ahead.

We are at a structural disadvantage, particularly against developers with legal, financial, and other resources beyond ours. The irony is that these developments would leave us again as one of the only major landowners in a coastal village with unburnt, undeveloped, land - land which we will protect and preserve, not just for ourselves but on behalf of everyone, because our value system demands it. It is reprehensible, even more so in this day and age, that this value system should or could be taken advantage of by anyone.

As we have argued consistently, ecological values are our cultural values, and the value of our cultural landscape is for us to define and quantify. This extends far beyond that which can be measured and excavated by archaeologists or any other scientific field of expertise.

From threats to sacred sites, threatened species habitat loss to impact on midden sites, to water quality impacts in the sensitive Crookhaven catchment, Lake Woolumboola, Callala Bay, Bendalong Manyana, – the destruction from these developments will bring far, far outweighs any (questionable) benefits being espoused in economic growth terms.

What is termed in modern times as “Intergenerational equity”, is a long held and practised cultural belief that is imbedded in our lore system. Just in this generation we have witnessed the decline in species, through the degeneration of our land and seascapes attributed through the poor management practises and the effects of unbridled greed.

A very alarming fact that we face is the number of threatened species projects that we are partner to with varying agencies, including the NSW Saving our Species team. In some cases we are requested to agree to translation of species programs in which, rapid decline or even local extinction of some species on the NSW coast is a major concern.

We urge the government to hold land holders to account to protect our natural and cultural heritage for future generations, it is our moral obligation to do so.

Yours sincerely,

Alfred Wellington
Chief Executive Officer